

Category: **STUDENTS**Issued: 7/24/149-13-11Number: **A-832**Subject: STUDENT-TO-STUDENT BIASED-BASED HARASSMENT, INTIMIDATION, AND/OR BULLYING

Page: 1 of 2

SUMMARY OF CHANGES

This Regulation supersedes Chancellor's Regulation A-832, dated September 3, 2008. It establishes a procedure for the filing, investigation, and resolution of complaints of student-to-student bias-based harassment, intimidation, and/or bullying.

Changes

- ~~B~~The Regulation clarifies that bias-based harassment, intimidation and/or bullying includes acts committed by students against other students on account of weight. (p. 1, Section I (A) and (B))
- ~~B~~The Regulation clarifies the definition of bias-based harassment and includes harassment that substantially interferes with a student's mental, emotional or physical well-being. (p. 1, Section I (C))
- ~~S~~The Regulation clarifies that the staff member~~(s)~~ who ~~is~~ are designated to receive reports of bias-based harassment (referred to as RFA liaison(s)) serves as a resource for the school on this issue and ~~that he/she~~ may receive reports from students or staff. (p.2, Section II (A))
- The Regulation has been clarified to provide that an anonymous report alleging bias-based harassment, intimidation and/or bullying may be made and will be investigated in light of the information provided by the anonymous reporter. (p. 2, Section II (C))
- Parents may report student-to-student bias-based harassment, intimidation, and/or bullying to the principal or the principal's designee or by e-mailing RespectforAll@schools.nyc.gov. Such reports must be handled pursuant to the procedures in this Regulation. (p. 2, Section II (E))
- Where the principal/designee believes that alleged bias-based harassment, intimidation or bullying constitutes criminal conduct, he/she may consult with the Office of Legal Services and/or the CFN Network Leader. (p.2, Section II (F))
- A copy of the school's report of an allegation of bias-based harassment must be sent to the CFN Network Leader. (p.3, Section III (E))
- Each principal/designee must ensure that the policy and procedures set forth in this Regulation are discussed with students and staff members by October 31 of each year. (p. 4, Section V (C))
- Each school must submit the following information in its annual Consolidated School & Youth Development Plan by October 31 : (1) the name of the RFA liaison(s) ; (2) certification that at least one RFA liaison has already attended or will attend within the school year OSYD training on human relations in the areas of race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability and weight ; (3) certification that the policy and procedures in this Regulation have been discussed with students and staff members ; and (4) a plan for preventing and addressing bias-based harassment, intimidation, and/or bullying. (p. 5, Section VI)
- The following attachments to the Regulation have been revised to include "weight" as a prohibited basis for bias-based harassment, intimidation and/or bullying: the summary of prohibited bias-

Category: **STUDENTS**

Issued: 7/24/149-13-
11

Number: **A-832**

Subject: STUDENT-TO-STUDENT BIASED-BASED HARASSMENT,
INTIMIDATION, AND/OR BULLYING

Page: 2 of 2

based harassment, intimidation, and/or bullying (attachment 1) ; the complaint form (attachment 2) ; the Respect for All poster (attachment 3) ; and the Respect for All brochure (attachment 4).

Category: **STUDENTS**

Issued: 7/24/19-13-11

Number: **A-832**

Subject: **STUDENT-TO-STUDENT BIASED-BASED HARASSMENT, INTIMIDATION, AND/OR BULLYING**

Page: 1 of 5

ABSTRACT

It is the policy of the New York City Department of Education to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation and/or bullying committed by students against other students on account of race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight. Such harassment, intimidation and/or bullying is prohibited and will not be tolerated in school, during school hours, before or after school, while on school property, at school sponsored events, or while traveling on vehicles funded by the Department of Education and on other than school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morality or welfare of the school community. Students found guilty of violating this regulation will be subject to appropriate disciplinary action consistent with the Discipline Code and Chancellor's Regulation A-443. For complaints of peer sexual harassment, please refer to Chancellor's Regulation A-831.

I. POLICY

- A. It is the policy of the New York City Department of Education to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying committed by students against other students on account of race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight. Such bias-based harassment, intimidation and/or bullying is prohibited.
- B. It is the policy of the New York City Department of Education to prohibit retaliation against any student, teacher or school employee who reports an incident of alleged student-to-student bias-based harassment, intimidation and/or bullying or who participates or assists in an investigation relating to such behavior.
- C. Bias-based harassment, intimidation and/or bullying is any intentional written, verbal, or physical act that a student or group of students directs at another student or students which: (1) is based on a student's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight; and (2) substantially interferes with a student's ability to participate in or benefit from an educational program, school sponsored activity or any other aspect of a student's education; or (3) creates a hostile, offensive, or intimidating school environment; (4) substantially interferes with a student's mental, emotional or physical well-being; or (45) otherwise adversely affects a student's educational opportunities. The definitions of bias-based behavior are found in Attachment No. 1.
- D. Bias-based harassment, intimidation and/or bullying may take many forms and can be physical, verbal or written. Written harassment, intimidation and/or bullying include electronically transmitted acts, e.g., via Internet, cell phone, personal digital assistant or

Category: **STUDENTS**

Issued: 7/24/149-13-11

Number: **A-832**

Subject: STUDENT-TO-STUDENT BIASED-BASED HARASSMENT, INTIMIDATION, AND/OR BULLYING

Page: 2 of 5

wireless handheld device.

E. Such behavior includes, but is not limited, to:

- Physical violence
- Stalking;
- Threats, taunts, teasing;
- Aggressive or menacing gestures;
- Exclusion from peer groups designed to humiliate or isolate;
- Using derogatory language;
- Making derogatory jokes or name calling or slurs;
- Written or graphic material, including graffiti, containing comments or stereotypes that are electronically circulated or are written or printed.

II. REPORTING PROCEDURES

- A. Each principal must designate at least one staff member ([hereinafter referred to as RFA liaison\(s\)](#)) to whom reports [by students or staff members](#) of [student-on-student](#) bias-based harassment, intimidation and/or bullying can be made [and who serves as a resource for students and staff on this issue](#). Complaints may be made in writing or verbally (see Attachment No. 2).
- B. Any student who believes that he/she has been the victim of such behavior should report the incident to the [designated staff member-RFA liaison\(s\)](#) or to any other school employee. Other students ~~and parents~~ may also report such incidents, and such reports must be handled pursuant to the procedures in this regulation.
- C. If a student feels uncomfortable making a report to a school staff member, a student may contact the Office of School and Youth Development (OSYD) by e-mailing the complaint to RespectforAll@schools.nyc.gov. Examples of circumstances where this might be appropriate include: if the student is not sure the behavior is covered by the regulation; if a student previously made a report and the behavior has continued; or if the student is concerned about coming forward. In such circumstances, OSYD will determine the appropriate follow-up action. [An anonymous report alleging bias-based harassment, intimidation and/or bullying may be made and will be investigated in light of the information provided by the anonymous reporter.](#)
- D. Any staff member who witnesses student-to-student bias-based harassment, intimidation and/or bullying or who has knowledge or information or receives notice that a student may have been the victim of such behavior by another student is required to promptly report the alleged act to the ~~designated staff member~~ [RFA liaison](#).
- E. Parents may report student-to student bias-based harassment, intimidation, and/or bullying to the principal or the principal's designee or by e-mailing RespectforAll@schools.nyc.gov. Such reports must be handled pursuant to the procedures in this Regulation.
- F. Where the principal/designee believes that the alleged conduct constitutes criminal activity, he/she must contact the police. The principal/designee may consult with the Office of Legal

Category: **STUDENTS**

Issued: 7/24/19-13-11

Number: **A-832**

Subject: **STUDENT-TO-STUDENT BIASED-BASED HARASSMENT, INTIMIDATION, AND/OR BULLYING**

Page: 3 of 5

Services and/or [the CFN Network Leader](#).

FG. If the complaint cannot be investigated at the school level due to the nature and seriousness of the allegation(s), the principal/designee should consult with the Office of School and Youth Development.

III. INVESTIGATION

- A. Complaints [of bias-based harassment, intimidation, and/or bullying](#) must be investigated promptly and entered into OORS within 24 hours.
- B. The principal/designee must take the following investigative steps, as soon as practicable, but in any event, not later than five days after receipt of the complaint:
1. interview the alleged victim and document the conversation;
 2. ask the alleged victim to prepare a written statement which includes as much detail as possible, including a description of the behavior, when it took place and who may have witnessed it;
 3. interview the accused student and advise him/her that if the conduct has occurred, it must cease immediately;
 4. ask the accused student to prepare a written statement; and
 5. interview any witnesses and obtain their written statements.
- C. The principal/designee must advise the parent(s) of the accused student of the allegations. The principal/designee must also advise the parent(s) of the alleged victim of the allegations, unless the alleged victim informs the principal/designee of safety concerns in regard to such notification. In such case, the principal/designee shall decide whether to inform the alleged victim's parents following consideration of privacy and safety concerns. The principal may consult with the Office of the General Counsel in making this decision.
- D. In determining whether the alleged conduct constitutes a violation of this regulation, it is necessary to evaluate the totality of the circumstances surrounding the conduct. The following facts should be considered:
- the ages of the parties involved;
 - the nature, severity and scope of the behavior;
 - the frequency and duration of the behavior;
 - the number of persons involved in the behavior;
 - the context in which the conduct occurred;
 - where the conduct occurred;
 - whether there have been other incidents in the school involving the same students;
 - whether the conduct adversely affected the student's education.
- E. The school shall report the results of its investigation of each complaint filed under these procedures in writing to the alleged victim within ten school days of the complaint subject to state and federal laws regarding student records privacy and consistent with the privacy

Category: **STUDENTS**

Issued: 7/24/149-13-11

Number: **A-832**

Subject: **STUDENT-TO-STUDENT BIASED-BASED HARASSMENT, INTIMIDATION, AND/OR BULLYING**

Page: 4 of 5

rights of the alleged harasser. A copy of this report must be sent to the CFN Network Leader.

IV. FOLLOW-UP ACTION

- A. Where appropriate, the complaining student and the accused student should be referred to the guidance counselor, school social worker, psychologist or other appropriate school staff for separate counseling.
- B. Where appropriate, the principal/designee should utilize intervention methods, including sensitivity training, counseling, and/or referral to a community-based agency for counseling, support and education.
- C. Students who have been found to have violated this regulation will be subject to appropriate disciplinary action pursuant to the Department of Education's Discipline Code and Chancellor's Regulation A-443.
- D. The principal/designee must follow up to ensure that the conduct has stopped.

V. NOTIFICATION

- A. Each school must conspicuously post "Respect for All" posters in locations accessible to students, parents¹ and staff. The posters must contain the name of the ~~staff member(s) designated to receive reports of bias-based harassment, intimidation and/or bullying RFA liaison(s)~~ (see Attachment No. 3).
- B. A copy of the "Respect for All" brochure must be distributed annually to parents and students (see Attachment No. 4). Parents/students entering the school during the school year must receive a copy upon registration.
- C. Each principal/designee must ensure that the policy and procedures set forth in this regulation are discussed with students and staff members at the beginning of each school year by October 31 of each year.
- D. A copy of this regulation should be made available to parents, school staff and students upon request.

VI. ~~CONSOLIDATED SCHOOL & YOUTH DEVELOPMENT PLAN~~

~~As a part of the annual Consolidated School & Youth Development Plan, each principal must submit the following information to the central Office of School & Youth Development:~~

- ~~a. the name(s) of the designated "Respect for All" staff member(s), who will receive reports of bias-based harassment, intimidation, and/or bullying;~~
- ~~b. a plan for providing information and training on this regulation and respect for all to all students and staff annually, and a plan on preventing and addressing bias-based harassment.~~

VI. CONSOLIDATED SCHOOL & YOUTH DEVELOPMENT PLAN

¹ The term "parent," whenever used in this regulation, means the student's parent(s) or guardian(s), or any person(s) in a parental or custodial relationship to the student, or the student, if he/she is an emancipated minor or has reached 18 years of age.

Category: **STUDENTS**

Issued: 7/24/149-13-
11

Number: **A-832**

Subject: STUDENT-TO-STUDENT BIASED-BASED HARASSMENT,
INTIMIDATION, AND/OR BULLYING

Page: 5 of 5

A. Each school must submit the following information in its annual Consolidated School & Youth- & Development Plan by October 31:

1. The name of the RFA liaison(s).
2. Certification that at least one RFA liaison has already attended or will attend within the school year OSYD training on human relations in the areas of race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability and weight.
3. Certification that the policy and procedures in this Regulation have been discussed with students and staff members.
4. A plan for preventing and addressing bias-based harassment, intimidation, and/or bullying.

VII. CONFIDENTIALITY

It is Department of Education policy to respect the privacy of all parties and witnesses to complaints brought under this regulation. However, the need for confidentiality must be balanced against the obligation to cooperate with police investigations, to provide due process to the accused, and/or to take necessary action to investigate or resolve the complaint. Therefore, information regarding the complaint may be disclosed in appropriate circumstances.

VIII. RETALIATION

Students may not retaliate against another student, teacher or school employee who reports an incident of alleged student-to-student bias-based harassment, intimidation and/or bullying or who participates or assists in an investigation relating to such behavior. Retaliation will be investigated and subject to appropriate disciplinary action.

IX. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:
718-935-4357212-374-
6834

Office of School and Youth Development
NYC Department of Education
52 Chambers Street, Room 218
New York, NY 10007

Fax:
212 374-5751