

Implementing Respect For All



A Guide to Promoting a Safe and Inclusive School Environment for All Students and Complying with the Dignity Act

*Office of School and Youth Development
Elayna Konstan
Chief Executive Officer*

“It is important to remember the essential characteristic of true liberty is that under its shelter many different types of life and character and opinion and belief can develop unmolested and unobstructed.”

Charles Evans Hughes

Table of Contents

	Page
Respect For All	3
Dignity Act	
Chancellor’s Regulations Prohibiting Discrimination and Harassment	
School Culture	5
The Role of Social Norms	
Taking a Whole School Approach	
Guiding Questions	
Meeting the Dignity Act Requirements	6
Dignity Act Requirements	
Reporting of Material Incidents	
Chancellor’s Regulation A-832	8
Definitions	
RFA Liaisons	
Reporting	
OORS Reporting Requirements	
Investigation and Sample Letters	
Required Annual Review	
Chancellor’s Regulations A-830, A-831, A-420, A-421	16
The Citywide Standards of Intervention and Discipline Measures (The Discipline Code)	22
Consolidated School and Youth Development Plan	24
Requirements of the Plan to Prevent and Address Bias-Based Harassment	
Inclusive Instructional Methods	25
Inclusive Pedagogy: Common Core and Danielson’s Framework	
Guiding Questions	
Inclusive Counseling Methods	27
The Guidance Counselor’s Role in Ensuring Equal Educational Opportunity	
Sensitivity to the Experience of Specific Student Populations	
US Department of Education’s “Dear Colleague Letter” on Harassment and Bullying	33
Case Studies	34
Appendix A - NYC DOE Public Notification of Anti-Discrimination Policy	39

“If we lack respect for one group, then there is a tendency for that attitude to spread. It becomes infectious and no one becomes safe from the ravages of prejudice.”

Walter Annenberg

RESPECT FOR ALL

Each student and staff member in the NYC public schools brings to our school community the richness of our city’s cultural diversity and the desire for respect. The New York City Department of Education is committed to ensuring that each school provides a safe and inclusive environment in which teaching and learning take place each day.

School culture and climate have a profound effect on students’ academic achievement and behavior. The ability of students to learn and meet high academic standards and a school’s ability to educate its students are compromised by discrimination or harassment, including bullying, taunting and/or intimidation. Each school is expected to promote a positive school culture and climate that promotes respect for diversity among students and between students and staff, providing all students with a supportive and safe environment in which to grow and thrive both academically and socially.

No student shall be subjected to harassment by employees or students on school property or at a school function; nor shall any student be subjected to discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property or at a school function.

Effective July 1, 2012, the Dignity Act makes it the policy of New York State to afford all students in public schools an environment free of discrimination and harassment:

Chancellor’s Regulations A-830 (Filing Internal Complaints of Discrimination); Chancellor’s Regulation A-832 (Student-To-Student Bias-Based Harassment, Intimidation, and/or Bullying); A-831 (Peer Sexual Harassment); A-420 (Pupil Behavior and Discipline - Corporal Punishment) and A-421 (Verbal Abuse) set forth the DOE’s policy prohibiting discrimination and harassment by employees against students and student-on-student bullying, harassment and/or intimidation, based on race, color, religion, ethnicity, national origin, alienage, citizenship/immigration status, disability sexual orientation, gender, gender identity, gender expression or weight.

In addition, the Citywide Standards of Intervention and Discipline Measures (The Discipline Code) addresses bias-based behavior for students and prohibits students from:

Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, weight, or disability

Engaging in intimidating and bullying behavior, including cyber-bullying** — threatening, stalking or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that threatens another with harm; taunting and/or intimidation including through the use of epithets or slurs involving actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, religion, religious practices, gender, gender identity, gender expression, sexual orientation, weight or disability

Harassment based on one or more identify characteristics affects both the direct target(s) of the harassment and other individuals in the community that share one or more of the same identity characteristics. Therefore, the unique effects of discriminatory harassment require a different response than would other types of bullying. A school’s responsibility is to eliminate the hostile environment created by such harassment, address its effects, and take steps to ensure that harassment does not recur.

SCHOOL CULTURE

“A school’s culture has far more influence on life and learning in the schoolhouse than the state department of education, the superintendent, the school board, or even the principal can ever have.”

Roland Barth

To establish and sustain a school environment free of discrimination and harassment means taking a close look at a school’s culture and climate. School culture and climate have a profound impact on students’ academic achievement and behavior. A school’s climate is a reflection of the school community’s culture. Briefly, school climate is how students and staff feel about their school. School culture is why they feel the way they do. A school’s culture is determined by the values, beliefs and behavior of all the various stakeholders in the school community and reflects the school’s social norms.

Who is the school community?	Factors affecting school culture
<ul style="list-style-type: none">•Students & their parents•Teachers•Administrators•Counselors, Social Workers, Parent Coordinator, et al.•Related service providers•School Safety Personnel•Cafeteria & Custodial Staff•Transportation staff•Community Members	<ul style="list-style-type: none">•Staff expectations of student behavior and academic achievement•School policies and procedures•Consistent and equitable treatment of all students•Equity in, and access to, resources (budget, space, time, personnel, equipment, supplies, etc.)•Equity in, and access to, support services•Student and family engagement

THE ROLE OF SOCIAL NORMS

“Not everything that counts can be measured, and not everything that can be measured, counts.”

Albert Einstein

Social norms have been called the “grammar of a society” because norms, like the rules that govern a language, delineate what a social group finds acceptable or unacceptable. (Bicchieri, 2006) The social norms of a school community are established based upon the beliefs and expectations that members of the school community have regarding what is acceptable and unacceptable within the context of the school environment. They are spread through the school community by way of policies and protocols, level of access to opportunities and services, stories, equity and standards of accountability, interpersonal and intergroup interactions, choice of language and tone of voice, non-verbal communication (gestures, body language, personal space, eye contact), consequences, formal and informal rituals and ceremonies, use and condition of space, rewards systems, role-model behavior, allocations of resources, etc. In short, a school’s norms are the spoken and unspoken “rules” everyone in the school community knows and which govern how the school “works” (or doesn’t work) for all members of the school community, especially students.

The impact of beliefs and expectations on students’ academic performance has been well documented. An analogous body of research has also demonstrated the equally powerful impact of beliefs and expectations on behavior. When we reflect on our own beliefs and expectations about what is acceptable and unacceptable and if we think about the “rules” that govern our social interactions, we begin to see what it means to be literate in both the explicit and implicit norms of our community. We also begin to realize how both adults and peers, at home and in school, influenced our own understanding when we were students of what was acceptable and what was not acceptable at school. Adults in the school should always be aware of their impact as role models and treat others in the school with dignity and respect.

TAKING A WHOLE SCHOOL APPROACH

Each school is expected to promote a positive school culture that promotes interpersonal and inter-group respect among students and between students and staff. To ensure that our schools provide all students with a supportive and safe environment in which to grow and thrive academically and socially requires attention to each of the following facets of a school community:

Social Environment	Physical Environment	Behavioral Environment
<ul style="list-style-type: none"> • Interpersonal Relations: Students & Staff • Respect for Diversity • Emotional Well Being and Sense of Safety • Student Engagement • School & Family Collaboration • Community Partnerships 	<ul style="list-style-type: none"> • Building Conditions • Physical Safety • School Wide Protocols • Classroom Conditions 	<ul style="list-style-type: none"> • Physical & Mental Well Being • Prevention & Intervention Services • Behavioral Accountability (Interventional and Disciplinary Responses)

Some Guiding Questions to Consider When Examining These Factors

<ul style="list-style-type: none"> • How well does the school project a welcoming and supportive environment for all students? • What are the school's behavioral expectations for students and staff, and how well do they address the responsibility of the school to ensure a safe and supportive environment? • How does the school communicate with staff and students its clear expectations regarding pro-social behavior and respect within the school community? • How well do all adult members of the school community model respect for diversity in their interactions with one another – and with students and their families? • What kinds of programs and initiatives does the school implement to promote respect for diversity? • If an individual or group engages in discriminatory behavior toward a student or group of students based on the student's or group of students' actual or perceived identity, how does the school address the behavior so that it does not become a pervasive or persistent pattern and so that the individual student or group of students does not have reason to believe that such behavior is likely to continue? • How does the school integrate respect for diversity into the curriculum? • How well does the school library collection (books, periodicals, multimedia resources) and visual displays throughout the building promote respect for diversity? • How are students, the largest group of stakeholders in the school, involved in preventing bias-based behavior and promoting respect? • How are students provided with opportunities for social emotional learning? 	<ul style="list-style-type: none"> • How are students learning empathy? • How often does the school review, and amend, its safety and security procedures to ensure that all areas to which students have access are well monitored and supervised, including stairwells, hallways, locker rooms and athletic facilities, outside play areas, cafeteria, auditorium, etc. • When students do not meet behavioral expectations, how does the school ensure equitable implementation of support and discipline? • When disciplinary data is regularly reviewed, how does the school bring multiple perspectives and disciplines to the process? • How are resources used to support student engagement (student organizations, clubs and teams) so that all students see themselves as valued members of the school community? • How does the school actively support and encourage diversity in student government? • How does the school provide regularly scheduled opportunities for students, especially those who are not elected to student government, to share ideas, identify concerns and strategies for improved school climate and culture with the principal/school leaders? • How well does the school promote diversity in the recruitment and training of students who serve as peer mediators in the peer mediation center? • How successful is the school in welcoming the families of all students into the school community? • Does the school engage and encourage parents to work as partners in their children's learning? • How does the school celebrate and recognize students' successes, progress and achievement so that all students see themselves as valued members of the school community?
---	--

MEETING THE DIGNITY ACT REQUIREMENTS

"In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."
Thurgood Marshall

The Dignity Act and implementing Commissioner's Regulations require schools to:

1. **Identify at least one staff member** to be the Dignity Act Coordinator who is thoroughly trained in methods to respond to human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex. **(Note: In the NYC public schools, the RFA Liaison(s) is/are the Dignity Act Coordinator(s).** CR A-832.
2. **Provide training to all school employees, including non-instructional staff**, to raise awareness and sensitivity to potential acts of discrimination or harassment directed at students that are committed by students or school employees on school property or at school functions, including, but not limited to, discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender or sex; and enable employees to prevent and respond to incidents of discrimination and harassment.

Training Resource:

The Office of School and Youth Development provides a training deck ([Respect For All: Making Schools Safe and Supportive for All Students](#)) that a school may use to fulfill the requirement for training for all employees, including non-instructional staff, or a school may create its own training materials. Each school **must retain in its files the agenda, signed attendance roster(s) and a copy of all training materials to document its annual staff training.** Staff training must be completed by October 31st of each school year.

3. **Provide students with instruction that supports the development of a school environment free of discrimination and harassment:**

For all public school students, instruction that supports development of a school environment free of discrimination and harassment, including but not limited to instruction that raises awareness and sensitivity to discrimination or harassment based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex; provided that in public schools other than charter schools, such instruction shall be provided as part of a component on civility, citizenship and character education in accordance with section 801-a of the Education Law;

Instructional Resources:

The Office of School and Youth Development's **Respect For All** webpage provides [free standards based curriculum and other instructional resources](#) which are added to and updated on a regular basis. In addition, The Office of School And Youth Development continues to offer training on, and dissemination of, an anti-bias curriculum for grades K-8 and 6-12.

Schools may fulfill the requirement for instruction that supports development of a school environment free of discrimination and harassment in various ways, including but not limited to:

- Implementation of regularly scheduled lessons that promote understanding of and respect for diversity in subject area classes and/or in advisory classes.
- Inclusion of issues related to discrimination or harassment based on identity characteristics into subject class lessons as applicable to the subject area topic being addressed; For example,
 - in a health or science class dealing with blood transfusions, incorporating discussion

- about the impact of past racial segregation of blood transfusions;
- in a participation in government class comparing and contrasting anti-miscegenation laws with current state laws banning same-sex marriage;
- in an ELA class choosing age appropriate literature in which a character is faced with discrimination and/or harassment based upon an identity characteristic or has to deal with the prejudicial beliefs of other characters. (i.e. *Felita* by Nicolasa Mohr (grades 3-5) Felita faces verbal and physical harassment from the kids on her street when her Puerto Rican family moves to a new neighborhood or *The Skin I'm In* (Grade 8 +) by Sharon Flake Seventh-grader Maleeka Madison is tormented by other students because of her dark skin; or a book that addresses the importance of accepting differences (*The Family Book* (PreK -2) by Todd Parr or examines the impact of stereotypes (*The Hundred Dresses* (grades 3-4) by Eleanor Estes: Wanda is the girl who lives with her father and brother in the part of town described as no place to live. She wears the same dress to school every day and has a last name unlike the other children in the class.
- In a math class on creating charts and graphs using pay rate data to examine the earning power of different groups of people, the possible reasons for such disparity and its impact; in a math class exploring set theory, using identity characteristics of the students in the class to explore the number /kind of sets represented by the multitude of ways in which students identify themselves; using Venn diagrams to illustrate the intersection of various identity sets.

In addition, the Dignity Act requires that the Department of Education annually report material incidents of harassment and discrimination to the New York State Education Department.

Any incident which is found to be a violation of Chancellor's Regulation A-832 is a material incident and must be reported to the SED. An incident violates CR A-832 if, following an investigation by the school, the school determines that the behavior:

- 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 meets one or more of the following criteria:

- It substantially interferes with the student's ability to participate in or benefit from an educational program, school sponsored activity or any other aspect of a student's education; **AND/OR**
- It creates a hostile, offensive, or intimidating school environment; **AND/OR**
- It substantially interferes with a student's mental, emotional or physical well-being; **AND/OR**
- It otherwise adversely affects a student's educational opportunities.

Chancellor's Regulation A-832 (Student-to Student Bias-Based Harassment, Intimidation and/or Bullying)

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.

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; **or**
- (4) substantially interferes with a student's mental, emotional or physical well-being; **or**
- (5) otherwise adversely affects a student's educational opportunities.

EXAMPLES OF BIAS-BASED BEHAVIOR

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 wireless handheld device. 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.

Definitions

The following definitions provide guidance to assist staff and students in identifying bias-based behavior.

Citizenship/Immigration Status: actual or perceived immigration status or status as a citizen of a country other than the United States of America.

Disability: actual or perceived disability, or history of disability. The term “disability” applies to a person who (1) has a physical or mental impairment that substantially limits one or more major life activities; (2) has a record of such an impairment; or (3) is regarded as having such an impairment. Major life activities include caring for one's self, walking, seeing, hearing, speaking, breathing, working, performing manual tasks, and learning. Some examples of impairments which may substantially limit major life activities, even with the help of medication or aids/devices, are: AIDS, alcoholism, blindness or visual impairment, cancer, deafness or hearing impairment, diabetes, drug addiction, heart disease, and mental illness.

Ethnicity/National Origin: actual or perceived national origin or ethnic identity. National origin is distinct from race/color or religion/creed because people of several races and religions or their forbearers -- may come from one nation. The term “national origin” includes members of all national groups and groups of persons of common ancestry, heritage or background; it also includes individuals who are married to or associated with a person or persons of a particular national origin.

Gender (Sex): actual or perceived gender (sex), pregnancy, or conditions related to pregnancy or childbirth. The prohibition against gender discrimination includes sexual harassment. The term “gender” shall also include a person’s gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

Race/Color: actual or perceived race or color.

Religion/Creed: actual or perceived religion or creed (set of fundamental beliefs, whether or not they constitute a religion).

Sexual Orientation: actual or perceived sexual orientation. The term sexual orientation means heterosexuality, homosexuality or bisexuality.

Weight: actual or perceived weight.

RFA Liaison(s)

Each principal must designate at least one RFA Liaison to whom reports by students or staff members of student-on-student biased-based harassment, intimidation and/or bullying can be made and who serves as a resource for students and staff on this issue and who is trained in human relations in the areas of race, color, creed, national origin, citizenship/immigration status, ethnicity, religion, disability, sexual orientation, gender, gender identity, gender expression and weight (RFA Liaisons serve as Dignity Act Coordinators.)

Schools are encouraged to identify multiple RFA Liaisons. Creating a group of RFA Liaisons increases the likelihood that an individual student will consider one or more of the RFA Liaisons as someone s/he trusts, considers approachable and with whom s/he feels comfortable speaking about a serious concern such as bullying and/or bias-based behavior.

Identifying multiple RFA Liaisons also creates a cohort of trained staff members who can serve as a resource for colleagues and students to implement school wide initiatives that promote respect for diversity and/or address bias-based harassment.

NOTE:

- In the event that a school has identified only one RFA Liaison and that individual is unable to fulfill the role for an extended period of time, another school staff member must be immediately designated on an interim basis, pending return of the previous RFA liaison or a new individual is identified.
- In the event that a school has identified only one RFA liaison and that individual vacates the role of the RFA Liaison, another school staff member must immediately be designated as the interim RFA liaison. The principal must ensure that a successor RFA Liaison is appointed within 30 days and that he/she attends the next available two day training provided by the Office of School and Youth Development.

Criteria for identifying a staff member to serve as an RFA Liaison may include, but is not limited to, prior training in areas such as human relations, cultural diversity, bullying prevention and intervention and/or conflict resolution and/or demonstrated expertise in any of these or related areas.

The staff member(s) designated as RFA Liaison(s) must be assigned to the school full time and available to students Monday - Friday and easily accessible to students. Part time staff members (F-status personnel or counselors or SAPIS who are in the school only on specific days because they are assigned to another school at other times) should not be identified as the sole or primary RFA liaison.

NOTIFICATION

Each school must conspicuously post “Respect for All” posters in locations deemed highly visible to students, parents, and staff. The posters must contain the name of the RFA liaison(s).

A copy of the “Respect for All” brochure must be distributed annually to parents and students. Parents/students entering the school during the school year must receive a copy upon registration.

REPORTING

Schools must ensure that all students understand how complaints of bias-based harassment, bullying and intimidation can be reported and that staff understand their responsibility to report such incidents.

Any student who believes that he/she has been the victim of such behavior should report the incident to the RFA liaison(s) or to any other school employee. Other students may also report such incidents, and such reports must be handled pursuant to the procedures in CR A-832.

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.

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 CR A-832.

Any staff member who witnesses student-to-student harassment, intimidation and/or bullying or who has knowledge of information or receives notice that a student may have been a victim of such behavior by another student is required to promptly report the alleged act to the RFA Liaison or the principal/designee.

When the RFA Liaison or any staff member receives a report of bias-based harassment, intimidation and/or bullying, s/he must immediately notify the principal or her/his designee (applicable assistant principal and/or dean and/or pedagogical staff member identified by the principal, depending on the grade level and staffing structure of the school). The principal/designee is responsible for investigating and taking appropriate follow-up action.

OORS Reporting Requirements and Updates

Complaints of bias-based harassment, intimidation, and/or bullying must be entered into the Online Occurrence Reporting System (OORS) within 24 hours.

Reporting Responsibility of All School Staff

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 harassment by another student s/he is required to promptly report the alleged act to the RFA Liaison or the principal/designee.

The Online Occurrence Reporting System has been updated to enable schools to enter important information regarding bias related student behavior required for Dignity Act reporting. This information will help schools track and address such inappropriate behavior in a timely manner.

Discipline Code Infractions A23, B23: Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration, status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability

When an incident is entered under A23 or B23, a drop down menu will ask:

What is the bias category? (select all that apply)

- Race, color
- Ethnicity, national origin
- Religion, creed
- Gender (sex)
- Gender identity, gender expression, sexual orientation
- Disability
- Weight
- Citizenship/immigration status

IMPORTANT NOTE: In addressing the conduct of a student who repeatedly engages in behavior prohibited by A23 or B23 against the same student or students, schools should consider whether the behavior constitutes intimidation and/or bullying behavior as prohibited by Infraction Codes A37 or B40.

For selected infraction codes (see list below) which schools enter into OORS, the following will appear:

Does this incident involve student-on-student behavior which may make this a bias related incident of harassment, intimidation and/or bullying?

YES NO

(Bias categories include: race, color, religion, ethnicity, national origin, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, disability and weight.)

IF NO, this message will appear: If following your investigation, you have determined that the incident involved student-to-student bias-based harassment, intimidation and/or bullying, you must update the incident to reflect these findings and follow the procedures outlined in Chancellor's Regulation A-832.

If YES – this message will appear:

Chancellor's Regulation A-832 **requires** that you investigate this incident and issue a written report of the results of your investigation within 10 school days.

Upon completion of your investigation, you **must update** this incident report

Click here to see Chancellor's Regulation A-832

Update Screen

To complete the update of this incident, please enter the following information:

The behavior involved in this incident was found to be a violation of Chancellor's Regulation A-832.

YES NO

If **YES**, please check all categories that apply:

- race
- color
- ethnicity/national origin
- religion
- citizenship/immigration status
- gender
- gender identity/gender expression
- sexual orientation
- weight

SUBMIT

Failure to Update an Incident

If a school DOES NOT update the information from its investigation into the “Bias-Based Incident Investigation Queue,” the incident will stay in the queue and the incident will be considered incomplete. The Bias-Based Incident Investigation Queue will be monitored. Follow-up emails will be sent as a reminder to ensure that the incident update is completed.

Infraction Codes That May Include Bias Based Behavior

Level	A	B	Description
3	13	15	Using profane, obscene...abusive language
	18		Engaging in inappropriate or unwanted physical contact or touching someone in a private part of the body (K-3 only)
	24	24	Shoving, pushing
	28		Inappropriate or unwanted physical contact (grades 4-5)
	30	28	Engaging in vandalism, graffiti or other intentional damage to school property or property belonging... to students
	31	31, 33	Posting/distributing libelous material
4	A	B	Description
	33	36	Posting, distributing material threat of violence, violent or lewd pictures
	34	37	Physically aggressive behavior/minor injury
	35	38	Act of coercion, threatening violence
	36	39	School bus behavior risk or results in injury
	37	40	Intimidating and bullying behavior
	38	35	Sexually suggestive comments, nonverbal or physical conduct sexual nature
	43	45	Substantial risk of serious injury
	44	46	Causing serious injury
5	A	B	Description
	52	54	Extreme force, inflicting or attempting to inflict serious injury
	53	55	Group violence
	54	56	Threatening or violent behavior gang related
	55	57	Physical sexual aggression
	58	61	Using Category I weapon
	59	62	Using Category II weapon

Advising Parents

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.

INVESTIGATION OF AN INCIDENT

Schools must investigate all complaints made of student-to-student bias-based harassment, intimidation and/or bullying.

Investigative Steps: 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.

If the principal/designee believes that the alleged conduct constitutes criminal activity, s/he must contact the police. The principal/designee may consult with the Office of Legal Services.

The investigation must determine if the alleged behavior violates CR A-832. In making this determination, 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.

Results of Investigation

The school must report the results of its investigation of each complaint filed under these procedures in writing to the parents of the alleged victim and the parents of the accused student within ten school days of the complaint subject to state and federal laws regarding student records privacy and **consistent with the privacy rights of the alleged harasser, except where a decision was made not to notify the parents of the alleged victim of the allegation as set forth in CR A-832 Section III.C**. A copy of this report must be sent to the CFN Network Leader.

After investigating an incident, the principal/designee may determine that the alleged behavior does not violate CR A-832 but still is a violation of the discipline code. For example, an investigation may find that a student engaged in bullying behavior, but it was not bias based. Or an investigation may find that a student did engage in bias-based behavior prohibited by the Discipline Code, but the nature, severity and scope of the behavior did not meet any of the criteria for finding a violation of CR A-832. In such instances, appropriate follow up action must be taken in accordance with the Discipline Code and CR-443.

If an incident is found to be a violation of the Discipline Code but not a violation of CR A-832, It is important when writing to the parents of the students against whom the allegations have been made to include a statement to this effect so that parents understand that although their child's behavior did not violate the Chancellor's Regulation, it is still actionable under the Discipline Code (see sample letters below).

SAMPLE LETTERS to Parent of Students Alleged to Have Engaged in the Behavior

Dear Parent,

The school received a complaint that your child engaged in the following bias-based behavior (add brief description of behavior). After investigating this allegation, we have determined that your child engaged in bias-based harassment, intimidation and/or bullying in violation of CR A-832. Appropriate follow-up action will be taken in accordance with the Discipline Code. In addition the school offers the following services to support your child (add description of services). If you have any questions, please call ...

OR

Dear Parent,

The school received a complaint that your child engaged in the following bias-based behavior (add brief description of behavior). After investigating this allegation, we have determined that your child did not engage in behavior which violated CR A-832. However, this behavior may still violate the Discipline Code and appropriate disciplinary action will be taken, if warranted, in accordance with the Code. In addition the school offers the following services to support your child (add description of services). If you have any questions, please call....

OR

Dear Parent,

The school received a complaint that your child engaged in the following bias-based behavior (add brief description of behavior). After investigating this allegation, we have determined that this allegation was not substantiated and that your child did not engage in behavior which violated CR A-832. If you have any questions, please call....

SAMPLE LETTERS to Parent of Targeted Student

Dear Parent,

The investigation of the allegation of bias-based behavior involving your child has been completed according to the requirements of Chancellor's Regulation A-832. The allegations pertaining to bias-based harassment, intimidation and/or bullying were found to be **substantiated** and appropriate follow up action will be taken. To support your child, the school offers the following services to support your child (add description of services). If you have any questions, please call....

OR

Dear Parent,

The investigation of the alleged bias-based behavior involving your child has been completed according to the requirements of Chancellor's Regulation A-832. The allegations pertaining to bias-based harassment, intimidation and/or bullying were found to be **unsubstantiated**, If you have any questions, please call....

Required Annual Review of Chancellor's Regulation A-832 Each school must conduct a review of CR A-832 with all staff, including non-instructional staff, and students by October 31st of each school year. Each school must submit certification that students and staff members have been provided with information and training on the policy and procedures in the regulation in its annual Consolidated School and Youth Development Plan.

Expectations:

Review of the regulation with staff members: (See Training Deck Information –page 6)

- clearly delineates the relationship between promoting respect for diversity and creating and sustaining an inclusive school climate and culture in which all students and staff members feel safe and respected;
- addresses the identity categories named in the regulation (and the Discipline Code) and includes a review of key definitions – harassment, discrimination, and bullying
- includes types of harassing and/or bullying behavior
- addresses the potential impact of harassment/bullying on targets of the behavior
- addresses the role and responsibility of all school staff regarding reporting responsibilities
- focuses on the pivotal role that all staff members play in promoting respect for diversity and preventing and intervening in bias-based and bullying behavior.
- includes the offices that will maintain a supply of brochures (in English and in languages applicable to the translation needs of students and their families) for students who are enrolled after the beginning of the school year and/or for any student, family or staff member who requests an additional copy.

Review of the regulation with students:

- clarifies for students who the school's RFA Liaison(s) are
- clarifies for students that they may report an incident to any school staff member and that they may email RespectforAll@schools.nyc.gov for additional assistance if needed;
- clearly delineates the relationship between promoting respect for diversity and creating and sustaining an inclusive school climate and culture in which all students and staff members feel safe and respected;
- addresses, in an age appropriate manner, the identity categories named in the regulation (and the Discipline Code);
- focuses on the right of all students to be in a safe and supportive learning environment free from discrimination, harassment, bullying and bigotry and file a complaint if they feel that they are subject to this behavior (See Bill of Student Rights and Responsibilities, K-12 at the beginning of the Citywide Standards of Intervention and Discipline Measures);
- focuses on the responsibility of each student to respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others as delineated in the Student Responsibilities Section (see Bill of Student Rights and Responsibilities, K-12 at the beginning of the Citywide Standards of Intervention and Discipline Measures).
- includes the offices that will maintain a supply of brochures (in English and in languages applicable to the translation needs of students and their families) for students who are enrolled after the beginning of the school year and/or for any student, family or staff member who requests an additional copy.

Plan to Prevent and Address Bias Based Harassment

CR A-832 requires each school to submit a plan for preventing and addressing bias-based harassment, intimidation and/or bullying in its annual Consolidated School and Youth Development Plan by October 31st. (Please see page 24 for Consolidated School and Youth Development Plan.)

CHANCELLOR'S REGULATIONS

CHANCELLOR'S REGULATION A-830 (Filing Internal Complaints of Unlawful Discrimination/ Harassment)

It is the policy of the New York City Department of Education to provide equal educational opportunities without regard to race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship status, disability, sexual orientation, gender (sex) or weight. It is also the policy of the DOE to maintain an environment free of harassment on the basis of any of these grounds, including sexual harassment (see below for summary of prohibited discrimination).

It is a violation of the DOE policy for any DOE employee to discriminate against or harass a student, including but not limited to verbal, written or physical acts on school property or at a school function on the basis of any of the above-noted grounds where such conduct:

- (1) 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
- (2) creates a hostile, offensive, or intimidating school environment; or
- (3) substantially interferes with a student's mental, emotional or physical well-being; or
- (4) otherwise adversely affects a student's educational opportunities.

Reporting

Supervisors are required to immediately report instances of any oral or written complaints by parents or students of discrimination or discriminatory harassment by a DOE employee to the Department's Office of Equal Opportunity ("OEO").

A parent or student who believes that the student has been discriminated against or harassed may file a complaint in writing using OEO's complaint form or orally by contacting OEO at:

EO Complaint Unit
65 Court Street
Brooklyn, NY 11201
Phone: 718-935-3320

All complaints must be filed with OEO as soon as possible. OEO will not accept complaints filed more than one year after the incident that was the subject of the complaint.

Investigation

Upon receipt of a complaint, OEO will determine whether the complaint alleges violation of the Regulation and, if so, will conduct an investigation.

Employees found to be in violation of the DOE's policy may be subject to appropriate disciplinary action and legal sanction.

All DOE employees are expected to cooperate with OEO investigations and are required to report if summoned to appear by OEO.

Notification

Notice of the DOE's Anti-Discrimination Policy and internal complaint procedures will be given to employees annually.

Each office and school must prominently post the DOE's Anti-Discrimination Policy which provides contact information for OEO and indicates where a copy of this regulation may be obtained.

Summary of Prohibited Discrimination by DOE Staff Against Students

The following information is intended to provide guidance to assist people in avoiding discriminatory practices but is not, however, exhaustive.

Race/Color: actual or perceived race or color.

Disability: actual or perceived disability, or history of disability. The term "disability" means any physical, medical, mental, or psychological impairment or history or record of such impairment, or a condition regarded by others as a disability.

Gender (Sex): actual or perceived gender (sex), pregnancy, or conditions related to pregnancy or childbirth. The prohibition against gender discrimination includes sexual harassment.

The term "gender" shall also include a person's gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

Ethnicity/National Origin: actual or perceived national origin or ethnic identity. National origin is distinct from race/color or religion/creed because people of several races and religions or their forbearers may come from one nation. The term "national origin" includes members of all national groups and groups of persons of common ancestry, heritage, or background; it also includes individuals who are married to or associated with a person or persons of a particular national origin.

Alienage/Citizenship: actual or perceived immigration status or status as a citizen of a country other than the United States of America. It shall not be an unlawful discriminatory practice for any person to discriminate on the ground of alienage or citizenship status or to make inquiry as to a person's alienage or citizenship status or to give preference to a person who is a citizen or native of the United States when such preference is expressly permitted or required by a federal, city or state law or regulation.

Religion/Creed: actual or perceived religion or creed (set of fundamental beliefs, whether or not they constitute a religion).

A student requesting a reasonable accommodation for religious reasons should follow the procedures in Chancellor's Regulations A-630.

Age: actual or perceived age.

Weight: actual or perceived weight.

Sexual Orientation: actual or perceived sexual orientation. The term sexual orientation means heterosexuality, homosexuality or bisexuality.

Sexual Harassment of Students by Employees

OEO will forward complaints of this nature to the Special Commissioner of Investigations who will determine how to proceed.

Sexual conduct between an adult employee and a student can *never* be considered welcome or appropriate. Sexual harassment of a student by an employee consists of sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature. It includes situations where:

1. submission to such conduct is a condition of the student's advancement or obtaining an education;
2. submission to or rejection of such conduct by a student is used as a basis for evaluating or grading a student or as a factor in decisions affecting the student's education; or
3. such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive educational environment.

Sexual harassment may take different forms, including explicit sexual propositions or threats, sexual innuendos, sexually suggestive comments, sexually oriented jokes, obscene gestures, displays of pornographic or obscene visual or printed material, and physical contact, such as touching, patting, pinching or brushing against another's body. These behaviors can constitute sexual harassment whether they are directed at persons of the same or opposite sex and may also constitute criminal behavior.

Chancellor's Regulation A-831 (Student-to-Student Sexual Harassment)

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 sexual harassment committed by students against other students. It is a violation of this regulation for a student to harass another student through conduct or communication of a sexual nature, as defined below. Such harassment 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.

Definition: Student-to-student sexual harassment is conduct and/or communication by a student directed against another student. It consists of unwelcome and uninvited sexual advances, requests for sexual favors, sexually motivated physical conduct and other verbal, non-verbal or physical conduct or communication of a sexual nature which is sufficiently severe, pervasive or persistent to:

- (1) substantially interfere 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**
- (2) create a hostile, offensive, or intimidating school environment; **or**
- (3) otherwise adversely affect a student's educational opportunities.

Such behavior can constitute sexual harassment regardless of the gender, sexual orientation, or gender identity of any of the students involved.

Notification

Each school must conspicuously post a copy of Chancellor's Regulation A-831 and a notice explaining the Department of Education's policy with respect to student-to-student sexual harassment in a place accessible to students, parents, and staff. This notice must contain the name of the staff member designated to receive reports of sexual harassment and must indicate where in the school copies of the regulation and the complaint form can be obtained.

A copy of the Sexual Harassment brochure must be distributed annually to parents and students. Parents/students entering the school during the school year must receive a copy upon registration. A copy of this regulation should be made available to parents, school staff, and students upon request.

Advising Parents

The principal/designee must immediately inform the parents of both the alleged victim and the accused of the allegation(s). If the alleged victim informs the principal/designee of safety concerns in regard to such notification, 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.

Investigation

All complaints of peer sexual harassment must be investigated promptly.

If the principal/designee believes that the alleged conduct constitutes criminal activity, s/he must contact the police. The principal/designee may consult with the Office of Legal Services.

Results of Investigation

Following completion of the investigation, the principal/designee must issue a written report of his/her findings within 10 school days of receipt of the complaint and send a copy of the report to the CFN Network Leader. The report shall include a determination of whether the allegations have been substantiated and whether they appear to be violations of this regulation.

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 factors should be considered:

- the ages of the parties involved;
- the nature, severity and scope of the behavior;
- whether the conduct is sexual in nature;
- whether the conduct is offensive;
- whether the conduct is unwelcome;
- 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.

The school shall report the results of its investigation of each complaint filed under these procedures in writing to the parents of the alleged victim and the parents of the accused student in accordance with state and federal laws regarding data or records privacy and consistent with the privacy rights of the alleged harasser, except when a decision was made not to inform the parents of the alleged victim of the allegation as set forth above.

Reporting

It is the responsibility of each principal to designate a staff member to whom reports of student-to-student sexual harassment can be made. Complaints of harassment may be made verbally or in writing using the "Student-to-Student Sexual Harassment Complaint Form" attached to CR A-831.

Any student who believes that s/he has been the victim of sexual harassment by another student should immediately report the incident to the designated staff member or to any other school employee. Other students may also report such incidents to the designated staff member or to any other school employee and such reports must be handled pursuant to the procedures in CR A-831.

If a student feels uncomfortable making a report to a school staff member, a student may contact the Office of School and Youth Development by emailing the complaint to RespectforAll@schools.nyc.gov

Any staff member who witnesses student-to-student sexual harassment or who has knowledge or information or receives notice that a student may have been the victim of sexual harassment by another student is required to immediately report the alleged act to the designated staff member.

Parents may report peer sexual harassment to the principal or his/her designee or by e-mailing RespectforAll@schools.nyc.gov. Such reports must be handled pursuant to the procedures in CR A-831.

The designated staff member is responsible for reporting all complaints of student-to-student sexual harassment to the principal/designee.

Complaints of sexual harassment must be investigated promptly and entered into OORS within 24 hours.

Each principal must submit the name(s) of the staff member(s) who are designated to receive reports of student-to-student sexual harassment by October 31, in its annual Consolidated School and Youth Development Plan.

Follow up Action

Where appropriate, the complaining student and/or the accused student should be referred to the school social worker, psychologist or other appropriate school staff, or referred to community-based agencies for counseling, support, and/or education.

When one person uses a pattern of threatened or actual physical, sexual and/or emotional abuse to control a dating partner, the school should refer both the victim and the student who engages in this behavior to separate appropriate school or community-based agencies for counseling, support, and education. Neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for suspected relationship abuse.

Annual Review:

By October 31st, each principal must submit certification in the school's annual Consolidated School and Youth Development Plan that the policies and procedures set forth in CR A-831 have been discussed with students and staff.

EXPECTATIONS:

Students and staff know:

Student-to-student sexual harassment may take many forms and can be physical, verbal or written. Written harassment includes electronically transmitted acts (e.g., via Internet, cell phone, personal digital assistant or wireless handheld devices).

Sexually harassing behavior may take many forms, including but not limited to:

- engaging in physical conduct of a sexual nature such as patting, pinching, grabbing, brushing up against another person in a sexual way;
- making sexual comments, remarks, insults, and/or jokes;
- electronically posting, displaying or distributing sexually oriented or suggestive objects, pictures, drawings or images;
- making obscene gestures;
- stalking;
- pressuring for sexual activity;
- spreading rumors of a sexual nature;
- engaging in sexually violent or coercive behavior (assault, rape)
- threatening or engaging in physical, sexual, verbal and/or emotional abuse to harm, intimidate or control a current or former dating partner (dating abuse).

Review of the regulation with staff members:

- clearly delineates the relationship between promoting respectful peer-to-peer relationships and creating and sustaining an inclusive school culture and climate in which all students and staff members feel safe and respected;
- addresses the definition of sexual harassment and the various forms such behavior may take;
- reviews the reporting responsibility of all staff members;
- focuses on the pivotal role that all staff members play in promoting respectful peer-to-peer relationship behavior and preventing and intervening in sexual harassing behavior;
- includes the offices that will maintain a supply of brochures (in English and in languages applicable to the translation needs of students and their families) for students who are enrolled after the beginning of the school year and/or for any student, family or staff member who requests an additional copy.

EXPECTATIONS:

Review of the regulation with students:

- clearly delineates the relationship between promoting respectful peer-to-peer relationships and creating and sustaining an inclusive school culture and climate in which all students and staff members feel safe and respected;
- addresses the definition of sexual harassment and the various forms such behavior may take;
- focuses on the right of all students to be in a safe and supportive learning environment free from sexual harassment and file a complaint if they feel that they are subject to this behavior (See Bill of Student Rights and Responsibilities, K-12 at the beginning of the Citywide Standards of Intervention and Discipline Measures);
- clarifies for students who the school has designated to take reports of student-to-student sexual harassment and that they may report an incident to any school staff member and that they may email RespectforAll@schools.nyc.gov for additional assistance if needed;
- clarifies for students that other students may also report such incidents to the designated staff member or to any other employee and such reports must be handled pursuant to the procedures in this Regulation.
- focuses on the responsibility of each student to respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others as delineated in the Student Responsibilities Section (see Bill of Student Rights and Responsibilities, K-12 at the beginning of the Citywide Standards of Intervention and Discipline Measures);
- includes the offices that will maintain a supply of brochures (in English and in languages applicable to the translation needs of students and their families) for students who are enrolled after the beginning of the school year and/or for any student, family or staff member who requests an additional copy.

Chancellor's Regulation A-420 (Pupil Behavior and Discipline- Corporeal Punishment)

- Corporal punishment is prohibited in and around school premises, as well as on school trips.
- No corporal punishment shall be inflicted in any of the public schools, nor punishment of any kind tending to cause excessive fear or physical or mental distress. Violation shall constitute grounds for dismissal.
- Parents/guardians may not consent to the use of corporal punishment on their children.

Chancellor's Regulation A-421 (Verbal Abuse)

- Verbal abuse of students is prohibited in and around school premises, as well as on school trips.
- No verbal abuse shall be inflicted in any of the public schools, nor punishment of any kind tending to cause excessive fear or physical or mental distress. Violation shall constitute grounds for dismissal.
- DOE employees may not use verbal abuse regardless of whether a student's parent or guardian consents to such conduct.

Verbal abuse includes language that;

- tends to cause fear or physical or mental distress;
- is discriminatory based on race, color, national origin, alienage/citizenship status, ethnicity, religion, gender, disability, or sexual orientation which tends to cause fear or physical or mental distress;
- tends to threaten physical harm; or
- tends to belittle or subject students to ridicule.

The Citywide Standards of Intervention and Discipline Measures (the Discipline Code)

Safe, supportive school environments depend on students, staff and parents demonstrating mutual respect. To that end, all members of the school community — students, staff and parents — must know and understand the standards of behavior which all students are expected to live up to and the consequences if these standards are not met.

The standards set forth in the Citywide Standards of Intervention and Discipline Measures (Discipline Code) apply to behavior:

- in school during school hours,
- before and after school, while on school property,
- while traveling on vehicles funded by the Department of Education,
- at all school-sponsored events and
- on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.

When misbehavior involves communication, gestures or expressive behavior, the infraction applies to oral, written or electronic communications, including but not limited to texting, e-mailing, and social networking.

Included in the Discipline Code is the Student Bill of Rights and Responsibilities that promotes responsible student behavior and an atmosphere of dignity and respect by establishing guidelines to help students as they strive to become productive citizens in a diverse society.

[Lessons on the Discipline Code](#), including Respect For All lessons for grades 6-8 and grades 9-12 that help students understand the Student Bill of Rights and Responsibilities, are available on line on the Office of School and Youth Development portal.

Review of the Discipline Code

At the beginning of each school year, school officials are responsible for sharing the information contained in the Citywide Standards of Intervention and Discipline Measures with students, staff and parents.

EXPECTATIONS:

- Staff and students know that bullying and/or intimidation includes, but is not limited to:
 - Physical violence; aggressive or menacing gestures
 - Stalking
 - Threats, taunts, teasing
 - 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 written or printed or electronically circulated.

Review of the Discipline Code

EXPECTATIONS:

- Staff and students understand the nature and scope of cyberbullying (electronic aggression) includes any type of harassment or bullying (teasing, telling lies, making fun of someone, making rude or mean comments, spreading rumors or making threatening or aggressive comments) that occurs through email, a chat room, instant messaging, a website (including blogs) or text messaging.
- Staff and students know that the Discipline Code addresses bias-based bullying, intimidation and harassment for students in grades K-5 and in grades 6-12 at Level 3 and Level 4

Level 3: Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, weight, or disability

Level 4: Engaging in intimidating and bullying behavior, including cyber-bullying** — threatening, stalking or seeking to coerce or compel a student or staff member to do something; engaging in verbal or physical conduct that threatens another with harm; taunting and/or intimidation including through the use of epithets or slurs involving actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, religion, religious practices, gender, gender identity, gender expression, sexual orientation, weight or disability.

- Staff and students know that the standards set forth in the Discipline Code apply to behavior:
 - in school during school hours,
 - before and after school, while on school property,
 - while traveling on vehicles funded by the Department of Education,
 - at all school-sponsored events and
 - on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.
 - When misbehavior involves communication, gestures or expressive behavior, the infraction applies to oral, written or electronic communications, including but not limited to texting, e-mailing, and social networking.

CONSOLIDATED SCHOOL AND YOUTH DEVELOPMENT PLAN

Chancellor's Regulation A-832 requires each school to submit a plan for preventing and addressing bias-based harassment, intimidation, and/or bullying in its annual Consolidated School and Youth Development Plan by October 31st.

Plan to Prevent and Address Bias-Based Harassment

A comprehensive plan for preventing and addressing in bias-based behavior:

- clearly delineates how the school will incorporate into its instructional and supportive services programs, including counseling, the promotion of respect for diversity to create and sustain an inclusive school culture and climate in which all students and staff members feel safe and respected
- shows evidence of consultation with the RFA Liaison(s) and other internal staff members with demonstrated expertise in diversity training and/or external experts on bias-based harassment
- includes on-going opportunities for professional development in human relations and/or areas related to human relations including, but not limited to, diversity, conflict resolution, etc. for staff members
- includes steps the school will take to ensure that all staff members, including non-instructional staff, are aware of and sensitive to potential acts of discrimination and/or harassment directed at students by other students or by school employees and understand how to prevent and respond to discrimination and harassment
- includes the steps the school will take to ensure that teachers' pedagogical practices includes inclusive instructional methods
- includes the steps the school will take to ensure that counselors follow best practices for inclusive school counseling
- includes a description of school wide programs or projects or special initiatives that promote respect for diversity and/or address the prevention of bullying and bias-based behavior
- cites resources, including classroom lessons and other instructional materials, that can be used by teachers and support staff to promote respect for diversity as a component of their regular professional practice
- includes how teachers will incorporate instruction in respect for diversity and dignity, including awareness and sensitivity to individuals who are, or are perceived to be, of a different race, national origin, ethnic group, weight, mental or physical status, sexual orientation, color, gender, gender identity, gender expression, citizenship/immigration status, or disability as part of the school's civility, citizenship and/or character education effort(s)
- describes multiple opportunities for students, applicable to their age and grade level, to be actively engaged in promoting respect and preventing bullying in their school community

INCLUSIVE INSTRUCTIONAL METHODS

Essential to creating an inclusive school environment in which all students feel valued and respected are inclusive instructional and counseling methods.

Culture has been defined by Geert Hofstede as “the collective programming of the mind which distinguishes the members of one group of people from another.” It ...”refers to the total way of life for a particular group of people. It includes [what] a group of people thinks, says, does and makes-its customs, language, material artifacts and shared systems of attitudes and feelings.” (Robert Kohls)

In 1976, Edward Hall (*Beyond Culture*) developed the iceberg model of culture. Like an iceberg, most of culture is not visible. What we see of culture above the water line is the “tip of the iceberg.” The major portion of culture is hidden beneath the surface. Depending on how a particular individual presents himself or herself, some aspects of culture may rise above the surface or be partially submerged.

The Iceberg Model of Culture	
Surface/Visible Culture	skin color, age, physical characteristics, body size, clothing, behaviors, religious rituals, gender expression, artistic expression (art, music, drama, crafts, literature), holiday customs, celebrations, games, food, artifacts, etc.
Water Line	
Invisible Culture	religious beliefs, socio-economic status, ethnicity, sexual orientation, gender identity, national origin, family status, values, citizenship status, sense of time, beliefs, language(s), life experiences, educational level, roles, learning style, family history, communication style, political views, attitudes, work ethic, taboos, symbols, conception of self, relationship to the group, language(s), talents, skills, hidden disability, body language, use of gestures, eye contact, sense of personal space, tone of voice, facial expressions, concept of beauty, social mobility, concept of justice, ideas/beliefs about health and mental health, world view, relationship to the natural world, etc.

Recognizing that much of our individual diversity and the way in which each of us identifies ourselves is not readily apparent, reminds us of the importance of mindfulness in our professional practice, especially when we consider the wealth of cultural diversity our students bring to our schools.

INCLUSIVE PEDAGOGY

Effective pedagogy requires regular and rigorous examination of curriculum and pedagogical practice. In its description of students who are college and career ready in reading, writing, speaking, listening, and language, the **ELA Common Core Standards** states:

“Students appreciate that the twenty-first-century classroom and workplace are settings in which people from often **widely divergent cultures** and who represent **diverse experiences and perspectives must learn and work together**. Students **actively seek to understand other perspectives and cultures** through reading and listening, and they are able to communicate effectively with **people of varied backgrounds**. They evaluate other points of view critically and constructively.”

In *Enhancing Professional Practice- A Framework for Teaching*, writing about **equity** Charlotte Danielson states:

“Implicit in the entire framework, particularly in those domains relating to interaction with students (Domains 2 and 3) is a commitment to equity. In an environment of respect and rapport, all students feel valued. When students are engaged in a discussion of a concept, all students are invited and encouraged to participate. When feedback is provided to students on their learning, it is provided to all students.... A commitment to excellence is not complete without a commitment to equity.”

Danielson also addresses the issue of **cultural competence**:

“Students may arrive at school with traditions that are different from or in conflict with those of many US classrooms...Teachers who are sensitive to the cultures of their students pay particular attention to Component 1b (Demonstrating Knowledge of Students). In learning about students’ backgrounds, these teachers ensure that they are aware of relevant information about cultural traditions, religious practices, and patterns of interaction that may affect a student’s classroom participation. In addition, the teachers ensure that the materials they use (Components 1e and 3c) and the examples they employ (Components 3a and 3c) do not refer to items or traditions unfamiliar to students, or that they explain such materials and examples fully. And they take particular care that in their communication with families (Component 4c), they demonstrate cultural respect. ...

Cultural competence extends far beyond awareness... By the time they enter school, children will have absorbed from their communities a sense of the world and their place in it. Schools have an obligation to help students recognize that in a democracy, no one, and no cultural group, is marginalized (Irvine, 1990)”

Some Guiding Questions to Consider Regarding Inclusive Curriculum and Pedagogical Practice	
<ul style="list-style-type: none">• Are text books and other instructional materials reviewed to ensure that content is inclusive and does not reinforce negative attitudes or stereotypes?• Do students have direct access to an assortment of resource materials in the school library or learning center that provides accurate information on the histories and cultures of various diverse groups of people?• How well are supplementary curricular materials, including primary sources, used to provide students with multiple perspectives on content?• How well does content validate students’ identity? Do students routinely “see themselves” in curriculum across the subject areas?• How well are the perspective, experience and accomplishments of traditionally underrepresented groups woven into the content of individual lessons and into the context of the curriculum as a whole? How regularly do students “see themselves” in lessons?• Are students regularly provided with different points of view and opportunities to examine issues through different lenses?	<ul style="list-style-type: none">• How are multiple/varied instructional strategies used to support students’ learning styles?• How effectively are the social dynamics in a class managed to ensure that all voices are heard and no individual student or group of students is marginalized? Do all students get sufficient “wait time” when a question is asked? Are students routinely asked to work in shifting dyads, triads or small groups to ensure that all students regularly work with one another?• How well and how often are students engaged in examining the impact of stereotyping, prejudice and/or harassment, including marginalization or isolation, on the individual and/or on society as a whole?• How well do lessons engage students in critical thinking about concepts such as respect, social justice and/or equity?• When a student or students in a classroom engages in inappropriate behavior and/or uses slurs toward a classmate based on one or more identity characteristics, how effectively is such an incident turned into a “teachable moment” to prevent a future reoccurrence of such behavior?

Examples of inclusive lessons include:

- A science unit on natural resources in which students consider how people from different cultures believe resources are to be used and/or safeguarded.
- In social studies, students learn about WWII from multiple perspectives: such as women who were engaged in the war effort or Japanese-American families who were placed in internment camps.
- In studying the civil rights movement, students learn about the contributions of Bayard Rustin, a gay man who was an advisor to Martin Luther King, Jr. and the chief organizer of the 1963 March on Washington.
- In ELA, students read two pieces of literature and/or a piece of literature and one or more primary sources focused on the same time period and addressing the same social issue(s) from two or more different points of view.

To assist teachers the NY State Education Department has developed a Dignity Act [Lesson Plan Template](#) 

INCLUSIVE SCHOOL COUNSELING

Inclusive school counseling is integral to ensuring that all students in a school community feel and are valued and respected. The U.S. Department of Education's Office of Civil Rights prepared **The Guidance Counselor's Role in Ensuring Equal Educational Opportunity**, which while focusing on the role of the secondary school counselor, has important implications for all school counselors including those who serve the elementary grades.

The following guidance has been adapted from this 1991 document, the original of which can be found at <http://www2.ed.gov/about/offices/list/ocr/docs/hq43ef.html>

CRITICAL ROLE OF THE COUNSELOR

The counselor fulfills a number of roles, all important and potentially critical in affecting a student's future. These roles relate in a major way to academic preparation and planning but they also extend to mental health, interpersonal relations, social adjustment, career planning, and work adjustment. In performing these varied roles, the professional commitment of the counselor is directed at promoting the fullest development of each individual.

The school counselor must ensure that no student is directed or urged to enroll in a particular program or pursue a particular career based on one or more identity characteristics. Nor should one or more identify characteristics be used to measure or predict a student's prospects for success in school, post secondary education or a particular career path. Counseling materials and activities (including student program selection and decisions regarding college choice and post secondary career/employment selection) must be bias-free.

This means that a counselor needs to have an understanding of how to recognize discrimination and other barriers to equal educational opportunity before he/she can take the appropriate steps to address any barriers that may exist for particular groups of students in order to enable *all* students to develop to their fullest.

Keeping abreast of current research and resources and participating in professional development opportunities that address issues such as bias and discrimination, respect for diversity and the needs of particular groups of students should be part of the professional practice of each school counselor. Counselors are urged to access the resources on the [Respect For All webpage](#).

Establishing Bias-Free Materials

It is important that counselors and teachers work together to review college and career readiness materials and other curricular documents to identify and eliminate subtle and overt bias. Equally important is the collaboration of counselors and teachers with the school librarian so that library materials promote respect for diversity and do not perpetuate stereotypes.

College and Career Counseling

As part of their professional practice, counselors need to be current about the dynamics of the labor force, including the most recent occupational outlook data and emerging opportunities in new fields. Disseminating this information to students so they can consider a broad range of options is a significant component of ensuring that students are college and career ready. As part of college and career counseling, cultivating or stimulating greater interest in academic areas and careers in which some groups of students are currently underrepresented is an important role that counselors can play.

Many colleges and universities have created specialized services and/or support programs to meet the needs of specific groups of students. Counselors play a vital role in ensuring that students are aware of such programs and that they are also aware of targeted scholarship opportunities to which students can apply.

Counselors also play a pivotal role in accessing the resources of the business community. Career days, exploratory experiences, business sponsored "shadowing" programs that allows students to "shadow" workers on the job encourage students to explore nontraditional occupations. Some businesses participate in summer internship programs that combine high school credit with employment. These programs also encourage students' further educational attainment in their linking academic preparation with job requirements. While such programs are normally open to all students, counselors can take special measures to ensure the participation of specific population groups.

Parents Outreach

School counselors who build collaborative partnerships with parents can assist parents in: actively supporting their children's K-12 learning experience; broadening post secondary education options and career exploration; and expanding college and career planning for their children. Providing parents with career development seminars, guidebooks, role-playing opportunities, community resources and parent support systems are some ways in which counselors can strengthen partnerships with parents. Counselors can also help with scheduling adult education classes and providing presentations at PTA meetings to examine the issue of stereotyping and its effects on students.

A critical issue for many students is financial aid. School counseling programs that provide financial aid workshops for students and parents need to ensure that written communication and parent financial aid workshops include translation of key documents and translation services for parents whose first language is not English.

“In the end, we will remember not the words of our enemies, but the silence of our friends.”
Martin Luther King, Jr.

CREATING AN INCLUSIVE SCHOOL COMMUNITY: SENSITIVITY TO THE EXPERIENCE OF SPECIFIC STUDENT POPULATIONS

Every student deserves to learn in a safe and supportive school. Unfortunately, both experience and research has shown that some groups of students are more vulnerable to discrimination and harassment, including bullying behavior, and so it is incumbent upon school staff to be especially vigilant regarding their welfare and safety.

Children with Special Needs

A growing body of research indicates that children with special needs are at an increased risk of being bullied. Bullying Among Children and Youth with Disabilities and Special Needs, a fact sheet from the US Department of Health and Human Services www.stopbullying.gov provides the following insights into the vulnerability of these children:

- Available information indicates that children with LD are at greater risk of being teased and physically bullied (Martlew & Hodson, 1991; Mishna, 2003; Nabuzoka & Smith, 1993; Thompson, Whitney, & Smith, 1994).
- Children with Attention Deficit Hyperactivity Disorder (ADHD) are more likely than other children to be bullied. They also are somewhat more likely than others to bully their peers (Unnever & Cornell, 2003).
- Children with medical conditions that affect their appearance (e.g., cerebral palsy, muscular dystrophy, and spina bifida) are more likely to be victimized by peers. Frequently, these children report being called names related to their disability (Dawkins, 1996).

Walk A Mile In Their Shoes: Bullying and the Child with Special Needs is a report and guide compiled by AbilityPath.org, to address the issue of children with special needs being targets of harassing behavior: The report and guide includes the following research findings:

- Researchers have discovered that students with disabilities were more worried about school safety and being injured or harassed by peers, compared to students without a disability (Saylor & Leach, 2009).
- According to researchers Wall, Wheaton and Zuver (2009) only 10 studies have been conducted in the United States on bullying and developmental disabilities. All studies found that children with disabilities were two to three times more likely to be victims of bullying than their non-disabled peers. In addition, the researchers found that the bullying experienced by these children was more chronic in nature and was most often directly related to their disability.
- In 2009, the Massachusetts Advocates for Children in a survey of nearly 400 parents of children with autism across the state found that 88 percent of children with autism have been bullied at school ranging from verbal abuse to physical contact.

The entire report can be downloaded: [Walk a Mile in Their Shoes: A Report on Bullying and Special Needs](#)

The **PACER CENTER** is a [parent training and information center](#) for families of children and youth with all disabilities from birth through 21 years old. Located in Minneapolis, it serves families across the nation.

PACER Center's Bullying Prevention Project unites, engages, and educates communities nationwide to prevent bullying through creative, relevant, and interactive resources. The **Pacer National Bullying Prevention Center** provides a range of resources at <http://www.pacer.org/bullying/>

Web site for kids www.PACERKidsAgainstBullying.org "Kids Against Bullying" was created for elementary school children. This Web site is an informative and creative resource to educate students about

bullying prevention and provide methods to respond to bullying situations. The site features an animated cast of characters, information, celebrity videos, Webisodes, interactive games, animation, contests, and other activities. Parents and professionals will find helpful tips, intervention strategies, and resources for use at home or school.

Web site for teens www.PACERTeensAgainstBullying.org PACER's Teens Against Bullying Web site is a relevant, edgy, and unique educational resource for bullying prevention designed to engage, empower and educate all teens. Information is presented in an innovative, engaging and interactive style. There are solutions—creative resources that all teens—can use to educate other teens and young people and to raise awareness in their community or to help other teens in bullying situations.

PACER handouts include:

[Bullying and Harassment of Students with Disabilities - Top 10 Facts for Parents, Educators and Students](#)
[Common Views about Bullying](#)
[Drama: Is It Happening to You?](#)
[IEP and Bullying](#)
[Is Your Child Being Bullied in CyberSpace?](#)
[Notifying School Administrators](#)
[Record Keeping and Bullying](#)
[Steps To Take If Your Child Is Being Bullied At School](#)
[Talk to Your Child About Bullying](#)
[Telling Classmates About Your Child's Disability May Foster Acceptance](#)
[Tips for Teens: Use Your IEP Meetings to Learn How to Advocate for Yourself](#)
[Use Positive Strategies to Protect Your Child with Disabilities from Bullying](#)
[What If Your Child IS the Bully?](#)

Refugee and Immigrant Children

A refugee is a person who has left his or her country of nationality and is unable or unwilling to return to that country due to persecution or a well-founded fear of persecution based upon race, religion, nationality, membership in a specific social group, or political group. New York State receives refugee children every year. While most come with some family member(s), some come alone, and all leave behind all they have ever known. Some refugee children have experienced the ravages of war and others have suffered trauma as a result of their experiences in refugee camps.

Children who come to our country as refugees face the challenge of adapting to a new environment while coping with the loss of home, family members, friends, belongings, and community. Although immigrant children usually do not leave their homes under the same kinds of circumstances that compel refugees to flee their country of nationality, they share some of the same challenges faced by refugee children in adapting to a new environment, learning a new language and creating social support networks with peers and adults in a new school community.

Both refugee and immigrant children must deal with vast cultural change, and cultural misunderstandings can make these children particularly vulnerable to harassment in the form of bullying. Factors such as a lack of understanding of cultural norms, different expectations for personal hygiene, peer pressure around appropriate clothing, different kinds of social boundaries, different culturally informed gestures, body language and use of personal space can make immigrant or refugee children the target of harassment.

- A New England Equity Assistance Center (NEEAC) study in a medium-sized Massachusetts school district found that twice as many middle school English Language Learners (ELLs) reported worrying about being physically bullied as compared to their non-ELL peers and 49% of ELL students reported that students make fun of others with accents as compared to 21% of non-ELL students.

To compound such issues, depending on the conditions in their home country, immigrant children and refugee children may be mistrustful of authority and, therefore, reluctant to report harassment or

discrimination because they do not want to draw attention to themselves.

It is, therefore, vital that ESL teachers are actively engaged in a school's efforts to prevent and intervene in bullying and harassment so that ELL students know to whom they can turn for support and assistance and learn how to respond to, and be an ally for one another, in the event that they either experience or witness such behavior. Both *How to Support Refugee Students in the ELL Classroom* www.colorincolorado.org/article/23379/ and ASCD EDGE <http://edge.ascd.org/Establishing-a-Bully-free-Environment-for-ELLs/blog/5344160/127586.html> provide important information and guidance for the ESL teacher.

Bridging Refugee Youth and Children's Services (BRYCS) provides national technical assistance to organizations serving refugee and immigrants. Its website www.brycs.org includes multiple resources that can assist educators in providing support to immigrant and refugee children.

To assist schools in communicating with parents who are limited English proficient, the Translation and Interpretation Unit provides schools with access to free written translation and oral interpretation services. In addition, schools have received a **Language Access Kit** which contains resources that help minimize the language barriers that may hinder a parent's ability to become fully involved in their children's education. The kit includes:

- A multilingual Welcome Poster to be placed visibly at the entrance of your school. This poster serves to remind parents that your school can assist with interpretation services.
- An informational brochure that lists the free translation and interpretation services available to schools from the Department of Education's Translation and Interpretation Unit.
- A Language Identification Guide to help schools identify the language of a visiting limited-English-proficient parent.
- An Over-the-phone Interpretation Card to be passed on to your school's safety agent, which will serve as a reminder to access interpretation services over the phone when assisting limited-English-proficient parents.
- A sample I Speak Card to be reproduced and distributed to limited-English proficient parents in your school community. With this card, parents will be able to identify their language of preference when visiting a DOE school.

If you have any questions or need more information, please contact the Translation and Interpretation Unit at translations@schools.nyc.gov or visit <http://schools.nyc.gov/Offices/Translation>

LGBT Children

Likewise, youth who are lesbian, gay, bisexual or transgender are also often reluctant to report harassment or discrimination. Negative attitudes that some people have toward LGBT people in general put LGBT youth at increased risk for experiences with violence, compared with other students (Coker, Austin, Schuster, *Annual Review of Public Health* 2010.) Such behaviors can include bullying, teasing, harassment and physical assault.

The Gay, Lesbian and Straight Education Network's (GLSEN) 2009 National School Climate Survey examined the responses of 7,261 middle and high school students. Key findings include:

- 84.6% of LGBT students reported being verbally harassed, 40.1% reported being physically harassed and 18.8% reported being physically assaulted at school in the past year because of their sexual orientation.
- 72.4% heard homophobic remarks, such as "faggot" or "dyke," frequently or often at school.
- Nearly two-thirds (61.1%) of students reported that they felt unsafe in school because of their sexual orientation, and more than a third (39.9%) felt unsafe because of their gender expression.

- 63.7% of LGBT students reported being verbally harassed, 27.2% reported being physically harassed and 12.5% reported being physically assaulted at school in the past year because of their gender expression.

The Center for Disease Control (CDC) reports that a “survey of more than 7,000 seventh- and eighth-grade students from a large Midwestern county examined the effects of school climate and homophobic bullying on lesbian, gay, bisexual, and questioning (LGBQ) youth and found that;

- LGBQ youth were more likely than heterosexual youth to report high levels of bullying and substance use.
- Students who were questioning their sexual orientation reported more bullying, homophobic victimization, unexcused absences from school, drug use, feelings of depression, and suicidal behaviors than either heterosexual or LGB students;
- According to GLSEN’s Harsh Realities report: “Nearly nine in ten transgender students have been verbally harassed in the last year due to their gender expression (87%) and more than half have also been physically assaulted (53%).” In addition, the GLSEN report states “nearly half of transgender students report regularly skipping school because of safety concerns, clearly impacting their ability to receive an education, and nearly one in six (15%) of transgender and gender nonconforming students face harassment so severe that they are forced to leave school.”

US DEPARTMENT OF EDUCATION OFFICE OF CIVIL RIGHTS ‘DEAR COLLEAGUE’ LETTER ON HARASSMENT AND BULLYING

The US Department of Education’s Office of Civil Rights periodically issues “Dear Colleague” letters to school districts and to schools on pertinent issues related to K-12 and higher education.

The October 2010 “Dear Colleague” letter (click here for full letter  PDF) addressed harassment and bullying and is particularly pertinent to implementing the Dignity For All Students Act within the larger context of federal civil rights laws.

Key Points from the entire “Dear Colleague” Letter

- The label used to describe an incident (e.g., bullying, hazing, teasing) does not determine how a school is obligated to respond.
- Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating.
- Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- A school is responsible for addressing harassment incidents about which it knows or reasonably should have known
- A school’s responsibility is to eliminate the hostile environment created by the harassment, address its effects, and take steps to ensure that harassment does not recur.
- In all cases, schools should have well-publicized policies prohibiting harassment and procedures for reporting and resolving complaints that will alert the school to incidents of harassment.
- When responding to harassment, a school must take immediate and appropriate action to investigate or otherwise determine what occurred. The inquiry should be prompt, thorough, and impartial.
- If an investigation reveals that discriminatory harassment has occurred, a school must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.
- The unique effects of discriminatory harassment may demand a different response than would other types of bullying.
- Depending on the extent of the harassment, the school may need to provide training or other interventions not only for the perpetrators, but also for the larger school community, to ensure that all students, their families, and school staff can recognize harassment if it recurs and know how to respond.
- A school should take steps to stop further harassment and prevent any retaliation against the person who made the complaint (or was the subject of the harassment) or against those who provided information as witnesses.

CASE STUDIES*

Below are hypothetical examples of a school's failure to recognize student misconduct as discriminatory harassment. Each of these hypothetical examples contains elements taken from actual cases. In each of the examples, the school was on notice of the harassment because either the school or a responsible employee knew or should have known of misconduct that constituted harassment. The examples describe how the school should have responded in each circumstance. Each of these case studies provides valuable guidance on the role of the school in addressing bias based behavior.

These case studies also appear in the ***Respect For All: Making Schools Safe and Supportive For All Students*** training deck provided by the Office of School and Youth Development.

*Case studies come from the US DOE's October 2010 "Dear Colleague Letter"

CASE STUDY # 1

Several classmates repeatedly called a student with a learning disability "stupid," "idiot," and "retard" while in school and on the school bus. On one occasion, these students tackled him, hit him with a school binder, and threw his personal items into the garbage. The student complained to his teachers and guidance counselor that he was continually being taunted and teased. School officials offered him counseling services and a psychiatric evaluation, but did not discipline the offending students. As a result, the harassment continued. The student, who had been performing well academically, became angry, frustrated, and depressed, and often refused to go to school to avoid the harassment.

Discussion Questions:

1. Consider the protected categories listed in both CR A-832 and the Dignity Act. What is the harassment of this student based on?
2. What additional steps should the school have taken? Why?
3. Consider the impact of the behavior on the student who was targeted. How does this behavior meet the criteria of CR A-832?

Response to Discussion Questions

This is an example of disability harassment. While the school offered counseling services to support the target of the harassment, the school did not recognize the harassing conduct included behavior based on the student's disability and limited the student's ability to benefit fully from the school's education program (e.g., absenteeism). In failing to investigate and address the misconduct, the school did not comply with its obligations.

The school did not adopt a comprehensive approach to eliminating the hostile environment. Such steps should have included guidance intervention and progressive disciplinary action, given the repeated nature of the harassment, for the students who engaged in the harassing behavior. In addition, to ensure a comprehensive and effective response that addresses the hostile environment environment, , the school should consider special training for staff on recognizing and effectively responding to harassment of students with disabilities, and should put into place monitoring to ensure that the harassment did not resume.

CASE STUDY # 2

Over the course of a school year, a gay high school student was called names (including anti-gay slurs and sexual comments) by other students in his school both to his face and on social networking sites, physically assaulted, threatened, and ridiculed because he did not conform to stereotypical notions of how teenage boys are expected to act and appear (e.g., effeminate mannerisms, nontraditional choice of extracurricular activities, apparel, and personal grooming choices). As a result, the student dropped out of the drama club to avoid further harassment. The school responded to complaints from the student by reprimanding the perpetrators consistent with its anti-bullying policy. The reprimands of the identified perpetrators stopped the harassment by those individuals. It did not, however, stop others from undertaking similar harassment of the student.

Discussion Questions:

1. Consider the protected categories listed in both CR A-832 and the Dignity Act. What is the harassment of this student based on?
2. Besides “reprimanding the students who harassed the boy, what additional interventions should have been provided to the boy? To the students who harassed him?
3. What additional steps should the school have taken? Why?
4. Consider the impact of the behavior on the student who was targeted. How does this behavior meet the criteria of CR A-832?

Response to Discussion Questions

This is a case of harassment based on sexual orientation. The school had an obligation to take immediate and effective action to eliminate the hostile environment. In this instance, by responding to individual incidents of misconduct on an *ad hoc* basis only, the school did not prevent a hostile environment from continuing.

The school needs to employ a full range of responses (including progressive discipline) and take steps designed to eliminate the hostile environment. For example, this approach should have included a more comprehensive response to the situation such as but not limited to: notice to the student’s teachers so that they could ensure the student was not subjected to any further harassment; more aggressive monitoring by staff of the places where harassment occurred, increased training for staff on the scope of CR A-832 and the Dignity Act and on sensitivity to the needs of LGBT students; provision of counseling and/or other guidance interventions to the student who was targeted and to the students engaging in the harassing behavior; and educating the entire school community (either using school staff or accessing the services of a CBO with expertise in LGBT issues) on the expectations of respect for all students, specifically as the expectations apply to sexual orientation and gender stereotypes. The school also should have taken steps to clearly communicate the message that the school does not tolerate harassment and will be responsive to any information about such conduct.

CASE STUDY # 3

Some students anonymously inserted offensive notes into African-American students' lockers and notebooks, used racial slurs, and threatened African-American students who tried to sit near them in the cafeteria. Some African-American students told school officials that they did not feel safe at school. The school investigated and responded to individual instances of misconduct by assigning detention to the few student perpetrators it could identify. However, racial tensions in the school continued to escalate to the point that several fights broke out between the school's racial groups.

Discussion Questions:

Both CR A-832 and the Dignity Act prohibit harassment based on race.

- 1. Why isn't the school's response to individual incidents sufficient?*
- 2. What are some additional steps the school should have taken to prevent the escalation of racial tensions in the school?*
- 3. Consider the impact of the behavior on African American students. How does this behavior meet the criteria of CR A-832?*

Response to Discussion Questions

In this example, school officials failed to acknowledge the pattern of harassment as indicative of a racially hostile environment. Misconduct need not be directed at a particular student to constitute discriminatory harassment and foster a racially hostile environment. Here, the harassing conduct included overtly racist behavior (e.g., racial slurs) and also targeted students on the basis of their race (e.g., notes directed at African-American students). The nature of the harassment, the number of incidents, and the students' safety concerns demonstrate that there was a racially hostile environment that interfered with the students' ability to participate in the school's education programs and activities.

By failing to acknowledge the racially hostile environment, the school failed to meet its obligation to implement a more systemic response to address the unique effect that the misconduct had on the school climate. Had the school recognized that a racially hostile environment had been created, it would have realized that it needed to do more than just discipline the few individuals whom it could identify as having been involved.

A more effective response would have included, in addition to holding accountable the students who had engaged in the harassment, such steps as reaffirming the school's policy against discrimination (including racial harassment), publicizing the means to report allegations of racial harassment, training faculty on constructive responses to racial conflict, hosting class discussions about racial harassment and sensitivity to students of other races, and conducting outreach to involve parents and students in an effort to identify problems and improve the school climate. Finally, had school officials responded appropriately and aggressively to the racial harassment when they first became aware of it, the school might have prevented the escalation of violence that occurred.

CASE STUDY # 4

Over the course of a school year, school employees at a junior high school received reports of several incidents of anti-Semitic conduct at the school. Anti-Semitic graffiti, including swastikas, was scrawled on the stalls of the school bathroom. When custodians discovered the graffiti and reported it to school administrators, the administrators ordered the graffiti removed but took no further action. At the same school, a teacher caught two ninth-graders trying to force two seventh-graders to give them money. The ninth-graders told the seventh-graders, "You Jews have all of the money, give us some." When school administrators investigated the incident, they determined that the seventh-graders were not actually Jewish. The school suspended the perpetrators for a week because of the serious nature of their misconduct. After that incident, younger Jewish students started avoiding the school library and computer lab because they were located in the corridor housing the lockers of the ninth-graders. At the same school, a group of eighth-grade students repeatedly called a Jewish student "Drew the dirty Jew." The responsible eighth-graders were reprimanded for teasing the Jewish student.

Discussion Questions:

1. Consider the protected categories listed in both CR A-832 and the Dignity Act. What is the harassment of this student based on?
2. What else should the school have done at the time the graffiti was discovered?
3. Why aren't the steps the school has taken enough to address the problem?
4. Consider the impact of the behavior on the younger students cited in the case. How does this case meet the criteria of CR A-832?

Response to Discussion Questions

CR A-832 protects students from harassment based on religion/religious practice regardless of whether or not the harassment is the result of the actual or perceived religion of the student(s) being harassed. The harassment created a hostile environment because it negatively affected the ability and willingness of Jewish students to participate fully in the school's education programs and activities (e.g., by causing some Jewish students to avoid the library and computer lab).

Although the school held the students who engaged in the behavior accountable by suspending them, a disciplinary response alone is insufficient to remedy a hostile environment. Similarly, removing the graffiti, while a necessary and important step, did not fully satisfy the school's responsibilities. Misconduct that is not directed at a particular student, like the graffiti in the bathroom, can still constitute discriminatory harassment and foster a hostile environment. Finally, the fact that school officials considered one of the incidents "teasing" is irrelevant for determining whether it contributed to a hostile environment.

Because the school failed to recognize that the incidents created a hostile environment, it addressed each only in isolation, and therefore failed to take prompt and effective steps reasonably calculated to end the harassment and prevent its recurrence. In addition to the disciplinary response for students who had engaged in the harassment, remedial steps should have included counseling the perpetrators about the hurtful effect of their conduct, publicly labeling the incidents as anti-Semitic, reaffirming the school's policy against discrimination, and publicizing the means by which students may report harassment. Providing teachers with training to recognize and address anti-Semitic incidents also would have increased the effectiveness of the school's response. The school could also have created an age-appropriate program to educate its students about the history and dangers of anti-Semitism, and could have conducted outreach to involve parents and community groups in preventing future anti-Semitic harassment.

CASE STUDY # 5

Shortly after enrolling at a new high school, a female student had a brief romance with another student. After the couple broke up, other male and female students began routinely calling the new student sexually charged names, spreading rumors about her sexual behavior, and sending her threatening text messages and e-mails. One of the student's teachers and an athletic coach witnessed the name calling and heard the rumors, but identified it as "hazing" that new students often experience. They also noticed the new student's anxiety and declining class participation. The school attempted to resolve the situation by requiring the student to work the problem out directly with her harassers.

Discussion Questions:

1. Consider the protected categories listed in both CR A-832 and the Dignity Act. What is the harassment of this student based on?
2. What responsibility did the teacher and the coach have?
3. Why is the school's "requiring the student to work the problem out directly with her harassers" inappropriate?
4. What additional steps should the school have taken? Why?
5. Consider the impact of the behavior on the student who was targeted. How does this behavior meet the criteria of CR A-831? Of CR A-832?

Response to Discussion Questions

Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment, which is prohibited by Chancellor's Regulation A-831, can include conduct such as touching of a sexual nature; making sexual comments, jokes, or gestures; writing graffiti or displaying or distributing sexually explicit drawings, pictures, or written materials; calling students sexually charged names; spreading sexual rumors; rating students on sexual activity or performance; or circulating, showing, or creating e-mails or Web sites of a sexual nature.

In this example, the teacher and the coach did not recognize that the "hazing" constituted sexual harassment even though they noticed the student's anxiety and declining class participation. The school failed to investigate or remedy the sexual harassment. The conduct was clearly unwelcome, sexual (e.g., sexual rumors and name calling), and sufficiently serious that it limited the student's ability to participate in and benefit from the school's education program (e.g., anxiety and declining class participation).

The school should have trained its employees on the type of misconduct that constitutes sexual harassment. Each school is required to conduct an annual review with school staff of both CR-831 and CR-832. The school also should have made clear to its employees that they could not require the student to confront her harassers. It is for this reason that the Citywide Standards of Intervention and Discipline Measures expressly states that "neither mediation nor conflict resolution are, under any circumstances, appropriate interventions for bias-based bullying, intimidation or harassment or for suspected relationship abuse." Schools may use informal mechanisms for addressing harassment, but only if the parties agree to do so on a voluntary basis. Had the school addressed the harassment consistent with CR A-831 Peer Sexual Harassment or CR A-832 bias based (gender) harassment the school would have conducted a thorough investigation and taken interim measures to separate the student from the accused harassers. An effective response also might have included additional training of students and employees on the school's policies related to harassment, reviewing the procedures by which employees should report allegations of harassment, and ensuring that staff members know to whom they are expected to make such reports. The school also might have offered the targeted student counseling, tutoring, or other academic assistance as necessary to remedy the effects of the harassment.

APPENDIX A

PUBLIC NOTIFICATION OF ANTI-DISCRIMINATION POLICY

It is the policy of the Department of Education of the City of New York to provide equal employment opportunities without regard to **race, color, religion, creed, ethnicity, national origin, alienage, citizenship status, age, marital status, partnership status, disability, sexual orientation, gender (sex), military status, prior record of arrest or conviction (except as permitted by law) predisposing genetic characteristics, or status as a victim of domestic violence, sexual offenses and stalking, and to maintain an environment free of harassment on any of the above-noted grounds, including sexual harassment or retaliation.**

It is the policy of the New York City Department of Education to provide equal educational opportunities without regard to race, color, religion, creed, ethnicity, national origin, alienage, citizenship status, disability, sexual orientation, gender (sex) or weight and to maintain an environment free of harassment on the basis of any of these grounds, including sexual harassment or retaliation.

This policy is in accordance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Age Discrimination in Employment Act of 1967, Section 503 and Section 504 of the Rehabilitation Act of 1973, Fair Labor Standards Amendments of 1974, Immigration Reform and Control Act of 1986, The Americans with Disabilities Act of 1990, Civil Rights Act of 1991, New York State and City Human Rights Laws and Provisions of Anti-Discrimination in Collective Bargaining Agreements of the Department of Education of the City of New York.

Chancellor's Regulation A-830 governs the filing of complaints of internal complaints of discrimination/harassment. Any person who believes they have experienced discrimination may file a complaint in accordance with Chancellor's Regulation A-830 by contacting the Office of Equal Opportunity ("OEO"), or file with one of the agencies identified below. A copy of Chancellor's Regulation A-830 may be obtained from OEO or at: www.nyc.gov/schools/o eo