

Category: **STUDENTS**

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

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SUMMARY OF CHANGES

This is a new regulation. It establishes a procedure for the filing, investigation, and resolution of complaints of student-to-student bias-based harassment, intimidation, and/or bullying.

ABSTRACT

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

I. POLICY

- A. It is the policy of the New York City Department of Education to maintain a safe and supportive learning and educational environment that is free from harassment, intimidation, and/or bullying committed by students against other students on account of race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation or disability. Such bias-based harassment, intimidation and/or bullying is prohibited.
- B. It is the policy of the New York City Department of Education to prohibit retaliation against any student, teacher or school employee who reports an incident of alleged student-to-student bias-based harassment, intimidation and/or bullying or who participates or assists in an investigation relating to such behavior.
- C. Bias-based harassment, intimidation and/or bullying is any intentional written, verbal, or physical act that a student or group of students directs at another student or students which: (1) is based on a student's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation or disability; 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) otherwise adversely affects a student's educational opportunities. The definitions of bias-based behavior are found in Attachment No. 1.
- D. Bias-based harassment, intimidation and/or bullying may take many forms and can be physical, verbal or written. Written harassment, intimidation and/or bullying include electronically transmitted acts, e.g., via Internet, cell phone, personal digital assistant or wireless handheld device.
- E. Such behavior includes, but is not limited, to:
- Physical violence
 - Stalking;
 - Threats, taunts, teasing;
 - Aggressive or menacing gestures;
 - Exclusion from peer groups designed to humiliate or isolate;
 - Using derogatory language;

- Making derogatory jokes or name calling or slurs;
- Written or graphic material, including graffiti, containing comments or stereotypes that are electronically circulated or are written or printed.

II. REPORTING PROCEDURES

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

III. INVESTIGATION

- A. Complaints must be investigated promptly and entered into OORS within 24 hours.
- B. The principal/designee must take the following investigative steps, as soon as practicable, but in any event, not later than five days after receipt of the complaint:
 1. interview the alleged victim and document the conversation;
 2. ask the alleged victim to prepare a written statement which includes as much detail as possible, including a description of the behavior, when it took place and who may have witnessed it;
 3. interview the accused student and advise him/her that if the conduct has occurred, it must cease immediately;
 4. ask the accused student to prepare a written statement; and
 5. interview any witnesses and obtain their written statements.
- C. The principal/designee must advise the parent(s) of the accused student of the allegations. The principal/designee must also advise the parent(s) of the alleged victim of the allegations, unless the alleged victim informs the principal/designee of safety concerns in regard to such notification. In such case, the principal/designee shall decide whether to inform the alleged victim's parents following consideration of privacy and safety concerns. The principal may consult with the Office of the General Counsel in making this decision.
- D. In determining whether the alleged conduct constitutes a violation of this regulation, it is necessary to evaluate the totality of the circumstances surrounding the conduct. The following facts should be considered:

- the ages of the parties involved;
- the nature, severity and scope of the behavior;
- the frequency and duration of the behavior;
- the number of persons involved in the behavior;
- the context in which the conduct occurred;
- where the conduct occurred;
- whether there have been other incidents in the school involving the same students;
- whether the conduct adversely affected the student's education.

E. The school shall report the results of its investigation of each complaint filed under these procedures in writing to the alleged victim within ten school days of the complaint subject to state and federal laws regarding student records privacy and consistent with the privacy rights of the alleged harasser.

IV. FOLLOW-UP ACTION

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

V. NOTIFICATION

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

VI. CONSOLIDATED SCHOOL & YOUTH DEVELOPMENT PLAN

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

- the name(s) of the designated "Respect for All" staff member(s), who will receive reports of bias-based harassment, intimidation, and/or bullying;

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

- a plan for providing information and training on this regulation and respect for all to all students and staff annually, and a plan on preventing and addressing bias-based harassment.

VII. CONFIDENTIALITY

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

VIII. RETALIATION

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

IX. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Telephone:
718-935-4357

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

Fax:
212 374-5751

**SUMMARY OF PROHIBITED BIAS-BASED HARASSMENT,
INTIMIDATION 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 or disability. Such harassment, intimidation and/or bullying is unacceptable conduct and will not be tolerated in school, during school hours, before and 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. Please refer to Chancellor's Regulation A-831 for complaints of peer sexual harassment.

The following is intended to 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.

**STUDENT-TO-STUDENT BIAS-BASED HARASSMENT, INTIMIDATION AND/OR BULLYING
COMPLAINT FORM**

NAME OF STUDENT: _____

DATE: _____

SCHOOL: _____

Name of the person who you believe is responsible for the harassment, intimidation and/or bullying:

Date(s), time(s) and place the incident occurred: _____

Nature of Complaint:

1. Check below the bases for why you believe you were harassed, intimidated and/or bullied.

- | | |
|--|--|
| <input type="checkbox"/> Color | <input type="checkbox"/> Race |
| <input type="checkbox"/> Creed | <input type="checkbox"/> Religion |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Retaliation (for complaint) |
| <input type="checkbox"/> Ethnicity/National Origin | <input type="checkbox"/> Sexual Orientation |
| <input type="checkbox"/> Citizenship/Immigration Status | <input type="checkbox"/> Gender/Sex |
| <input type="checkbox"/> Gender Identity/Gender Expression | |

Describe the incident(s) as clearly and with as much detail as possible.

List any witnesses who were present or who have knowledge about the incident.

Signature of Student

Date

Received By: _____
Name

Date

Title

RESPECT FOR ALL

THE NYC DISCIPLINE CODE PROHIBITS INTIMIDATION AND BULLYING BEHAVIOR



Students who believe they have been the victim of bullying or intimidating behavior by another student, and all students who see or know of such behavior, should report the incident to school personnel immediately.

To Report an Incident

If you need help because someone has bullied or intimidated you, or if you have concerns about being the victim of bullying or intimidation, you can go to:

The NYC Public Schools Citywide Discipline Code prohibits students from bullying or intimidating other students for any reason, either by engaging in verbal or physical conduct, including taunting and/or intimidation through the use of epithets or slurs involving race, color, ethnicity, national origin (which includes groups of students of common ancestry, heritage, background or those from the same country), religion, gender, gender identity, gender expression, sexual orientation, or disability. This standard is set forth in the Discipline Code. It is in effect on school grounds, school buses and at all school-sponsored activities, programs and events.

Staff members who witness bullying or intimidating behavior will take appropriate action to intervene to stop such behavior and will report such an incident to their supervisor .

Students who violate the Citywide Discipline Code will be subject to appropriate disciplinary action as outlined in the Discipline Code and Chancellor’s Regulation A-443.



Accountability

What happens after a complaint is made?

All reports of bullying, harassment or intimidating behavior will be investigated.

The parents of both the alleged victim(s) and the accused student(s) will be notified of the results of investigation (subject to applicable confidentiality requirements.)

In keeping with Chancellor's Regulations A-443 , if the conduct violates the Discipline Code, appropriate disciplinary action will be taken .

If the behavior constitutes criminal activity, the police will be contacted.

If appropriate, individual or group counseling and/or other interventions will be provided.

What help is available for victims of bullying or intimidation?

School counselors are also available to provide counseling services.

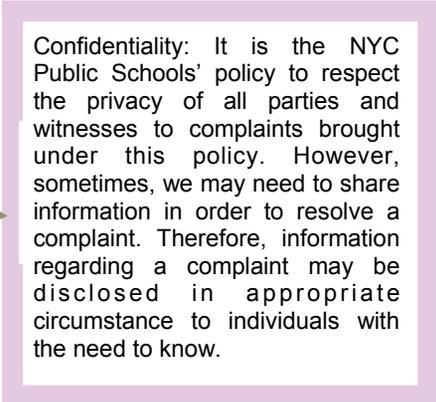


Michael R. Bloomberg
Mayor

Joel I. Klein
Chancellor

Retaliation against someone who reports an incident of harassment or discriminatory behavior or who helps in an investigation is prohibited. Students who believe they have been retaliated against should immediately contact a school supervisor.

If additional assistance is needed, please e-mail: RespectForAll@schools.nyc.gov



Confidentiality: It is the NYC Public Schools' policy to respect the privacy of all parties and witnesses to complaints brought under this policy. However, sometimes, we may need to share information in order to resolve a complaint. Therefore, information regarding a complaint may be disclosed in appropriate circumstance to individuals with the need to know.



Respect for All:



Making NYC Public Schools Safe and Supportive for All Students



Respect for All in NYC Public Schools

Each student, faculty and staff member of the NYC public schools brings to our school community the richness of our city's cultural diversity and the desire for respect.

The Citywide Standards of Discipline and Intervention Measures prohibits harassment and prohibits students from bullying other students for any reason, including taunting and/or intimidation through the use of epithets or slurs

Respect: esteem for or sense of worth or excellence of a person; proper acceptance or courtesy; regard for the dignity of another's character; acknowledgment; the condition of being esteemed or honored; to show regard or consideration for another.

involving race, color, ethnicity, national origin (which includes groups of students of common ancestry, heritage, background or those from the same country), religion, gender, gender identity, gender expression, sexual orientation or disability. This policy is in effect on school grounds, school buses and at all school sponsored activities, programs and events.

A copy of Chancellor's Regulations and the Discipline Code are available in the principal's office and online at <http://schools.nyc.gov/default.aspx>

What happens to a student who discriminates against or harasses another student?

The Department of Education's Discipline Code prohibits this behavior. Students who violate the Discipline Code will be subject to appropriate disciplinary action as outlined in the Citywide Standards and Chancellor's Regulation A-443 .

What is considered harassment or discriminatory behavior?

Harassment/discriminatory behavior is one or more negative acts committed by one or more students against another student or group of students. Harassment or discrimination can be physical, verbal, or social. **Physical** harassment involves physical injury or threat of injury. **Verbal** harassment refers to teasing, taunting, or insulting someone. **Social** harassment refers to the use of peer rejection or exclusion to humiliate or isolate a person.

What are some examples of banned behaviors?

- Threatening or harassing, intimidating or physically assaulting another student because of her/his race, color, ethnicity, religion, national origin, gender, gender identity, gender expression, sexual orientation or disability;
- Using derogatory language or making derogatory jokes or name calling or slurs in reference to another student's race, color, ethnicity, national origin, religion, gender, gender identity, gender expression, sexual orientation, or disability
- Teasing or taunting another student
- Written or graphic material, including graffiti, containing comments or stereotypes that are either posted, circulated or are written or printed on clothing or circulated on the Internet (cyber-bullying) that are derogatory of others because of their race, color, ethnicity, religion, national origin, gender, gender identity, gender expression, sexual orientation or disability.
- Negative stereotypes or hostile acts which are derogatory to others because of their race, color, ethnicity, religion, national origin, gender, gender identity, gender expression, sexual orientation or disability.

What should you do if you believe another student has harassed or discriminated against you or if you have witnessed such behavior?

Students who believe they have been the victim of bullying or intimidating behavior or harassment by another student, and all students with knowledge of such behavior, should report the incident immediately.

- Complaints of discrimination or harassment can be submitted in writing or orally to the school staff members listed on your school's **Respect for All** posters which are displayed throughout your school or to any school staff.
- Complaints should be reported as soon as possible after the incident(s) so they can be effectively investigated and addressed.
- Staff members will report student complaints to the appropriate school supervisor.
- Staff members who witness harassment or discriminatory behavior will also report such an incident to the appropriate supervisor. Staff will take appropriate action to intervene to stop such behavior.

Please see the **Respect for All** posters displayed throughout your school for the designated school staff for all complaints of student-to-student harassment or discriminatory behavior.