

Category: **STUDENTS**

Issued: 8/21/13

Number: **A-832**Subject: STUDENT-TO-STUDENT DISCRIMINATION, HARASSMENT,
INTIMIDATION, AND/OR BULLYING

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SUMMARY OF CHANGES

This Regulation supersedes Chancellor's Regulation A-832, dated October 12, 2011. It establishes a procedure for the filing, investigation, and resolution of complaints of student-to-student bias-based harassment, intimidation, and/or bullying.

Changes

- Expands the regulation to prohibit discrimination and all bullying, harassment and intimidation. (p. 1, § I)
- Clarifies that actions taken on account of a student's actual or perceived protected class status are prohibited. (p. 1, § I)
- Clarifies the definition of prohibited harassment, bullying and intimidation. (p. 1, § I.C)
- Clarifies the types of information technology that can be used to engage in prohibited behaviors. (p. 2, §§ I.D, E)
- Sets forth requirements for replacing RFAs who vacate their positions or are temporarily unable to perform their positions. (p. 2, § II.A)
- Requires that staff who witness or are provided with information regarding student to student discrimination, harassment, intimidation, and /or bullying report the allegation within one school day and file a written report within 2 school days of oral report. (p. 3, § II.D)
- Clarifies how the results of investigated complaints of discrimination and harassment, bullying and/or intimidation are reported to the subject of the complaint. (p. 4, § III.E)
- Expands the type of training that must be provided to staff and clarifies that staff, includes non-instructional staff. (p. 6, §§ V.D,E)
- Attachments have been revised to reflect changes to the Regulation.

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 and discrimination by students against other students on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight. Such discrimination, 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 disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably endanger the health, safety, morals 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 and free from discrimination committed by students against other students on account of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight. [The definitions of protected classes are found in Attachment No. 1.] Discrimination, harassment, intimidation and/or bullying is prohibited in school, during school hours, before or after school, while traveling in vehicles funded by the DOE and on other than school property when such behavior disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably endanger the health, safety, morality, or welfare of the school community.
- 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 discrimination, harassment, intimidation and/or bullying or who participates or assists in an investigation relating to such behavior.
- C. It is a violation of this policy for any student to create a hostile school environment for another student by conduct and/or verbal or written acts (including cyberbullying) that;
1. have or would have the effect of unreasonably and substantially interfering with a student's educational performance or ability to participate in or benefit from an educational program, school sponsored activity or any other aspect of a student's education; or
 2. have or would have the effect of unreasonably and substantially interfering with a student's mental, emotional, or physical well-being; or
 3. reasonably cause or would reasonably be expected to cause a student to fear for his/her physical safety; or
 4. reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student.

Prohibited behavior includes but is not limited to discrimination, harassment, intimidation, and/or bullying on account of actual or perceived race, color, creed, ethnicity, national

origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability or weight.

- D. Discrimination, harassment, intimidation and/or bullying may take many forms and can be physical, verbal or written. Written discrimination, harassment, intimidation and/or bullying includes electronically transmitted communications, (cyberbullying) e.g., via information technology including, but not limited, to: Internet, cell phone, email, personal digital assistant wireless handheld device, social media, blogs, chat rooms, and gaming systems.
- 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, photographs, drawings, or videos, containing comments or stereotypes that are electronically circulated or are written or printed.

II. **REPORTING PROCEDURES**

- A. Each principal must designate at least one staff member (hereinafter referred to as RFA liaison(s)) to whom reports by students or staff members of student-on-student discrimination, harassment, intimidation and/or bullying can be made and who serves as a resource for students and staff on this issue.
1. There must be at least one RFA liaison in the school who has received the training set forth in Sections V.D and E at all times (hereinafter referred to as a certified RFA liaison). In the event a certified RFA liaison vacates his/her appointment, the principal must ensure that a certified RFA liaison has been appointed within 30 days. In the interim, the principal must immediately designate an interim RFA liaison.
 2. In the event a certified RFA liaison is temporarily unable to perform his/her duties in the school for an extended period of time, and there is no other certified RFA liaison, the principal must designate another person to serve on an interim basis until the RFA liaison returns.
- B. Any student who believes that he/she has been the victim of discrimination, harassment, intimidation and/or bullying by another student should report the incident to the RFA liaison(s) or to any other school employee. Students who witness or have information of such incidents may report them to the RFA liaison(s) or to any other school employee. Student complaints may be made verbally or in writing (see Attachment No. 2).
- 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 report 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 harassment, intimidation and/or bullying may be made and will be investigated in light of the information provided by the anonymous reporter.
- D. Any staff member who witnesses student-to-student discrimination, 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 orally report the alleged act to the RFA liaison(s) or to the principal/designee within one school day and file a written report with RFA liaison or to the principal/designee no later than two school days after making the oral report. (See Attachment No. 2.) Schools shall keep all written reports on file.

- E. Parents may report student-to student discrimination, harassment, intimidation, and/or bullying verbally or in writing to the principal/designee or the RFA liaison or by e-mailing RespectforAll@schools.nyc.gov. Such reports must be handled pursuant to the procedures in this Regulation.
- F. Where the principal/designee believes that the alleged conduct constitutes criminal activity, he/she must contact the police. The principal/designee may consult with the Office of Legal Services and/or the CFN Network Leader.
- G. 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 OSYD.

III. INVESTIGATION

- A. Complaints of discrimination, harassment, intimidation, and/or bullying must be entered into the DOE's Online Occurrence Reporting System (OORS) within 24 hours and promptly investigated.
- 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 Legal Services 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 must advise the parents of the alleged victim and the parents of the accused student whether or not the allegation are substantiated, consistent with state and federal laws regarding student records privacy, except where a decision was made not to notify the parents of the alleged victim of the allegation as set forth in Section III.C.

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 deemed highly visible to students, parents¹ and staff. The posters must contain the name of the RFA liaison(s) (see Attachment No. 3).
- B. Each school must distribute a copy of the "Respect for All" brochure 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 students have been provided with information and training on the policy and procedures in this Regulation by October 31st of each year.
- D. Each principal must ensure that all staff members, including non-instructional staff, are provided with training on the policy and procedures in this regulation by October 31st of each year. Such training must address:
1. Raising awareness and sensitivity to potential acts of discrimination, harassment and bullying directed at students, including, but not limited to, those acts based on a student's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender interests, gender expression, sexual orientation, disability, or weight;
 2. The identification and mitigation of harassment, bullying and discrimination;
 3. The social patterns of harassment, bullying, and discrimination;
 4. Preventing and responding to incidents of discrimination, harassment or bullying;
 5. Understanding the effects of harassment, bullying and discrimination; and Strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings; and
 6. Promoting a safe and supportive school climate, including incorporating these concepts into classroom activities.
- E. Each principal must ensure that, in addition to the school training set forth above at least one RFA liaison is completes the RFA mandated training developed by OSYD which addresses: 1) human relations in the areas of race, color, creed, ethnicity, national origin,

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

citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability and weight and 2) the issues set forth in Section V.D 1-6 above).

- F. A copy of this regulation should be made available to parents, school staff and students upon request.

VI. **CONSOLIDATED SCHOOL AND YOUTH DEVELOPMENT PLAN**

Each school must submit the following information in its annual Consolidated School and Youth Development Plan by October 31st:

1. The name of the RFA liaison(s).
2. Certification that at least one RFA liaison has or will receive the training set forth in Section V.E above.
3. Certification that students have been provided with information and training on the policy and procedures in this Regulation.
4. Certification that staff members, including non-instructional staff, have been provided with the information and training set forth in Section V.D above.
5. A plan for preventing and addressing harassment, intimidation, and/or bullying.

VII. **CONFIDENTIALITY**

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

VIII. **RETALIATION**

Students may not retaliate against another student, teacher or school employee who reports an incident of alleged student-to-student discrimination, 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:

<u>Telephone:</u> 212-374-6834	<i>Office of School and Youth Development</i> N.Y.C. Department of Education 52 Chambers Street, Room 218 New York, NY 10007	<u>Fax:</u> 212 374-5751
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**SUMMARY OF PROHIBITED DISCRIMINATION AND 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 discrimination harassment, intimidation and/or bullying committed by students against other students including harassment, intimidation, and/or bullying on account of actual or perceived 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 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 disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably 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.

Weight: actual or perceived weight.

REPORT OF STUDENT-TO-STUDENT DISCRIMINATION, HARASSMENT, INTIMIDATION AND/OR BULLYING

NAME OF STUDENT: _____

DATE: _____

SCHOOL: _____

DOORS NUMBER: _____

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: _____

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

If you believe that the behavior you are reporting is bias-based, check the boxes below that apply.

- | | |
|--|--|
| <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 | <input type="checkbox"/> Weight |

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

Signature of Student

Date

Received by:

Name

Date

Title

NYC PUBLIC SCHOOLS

RESPECT FOR ALL

THE NYC DISCIPLINE CODE PROHIBITS HARASSMENT, INTIMIDATION, DISCRIMINATION AND BULLYING BEHAVIOR



Students who believe they have been the victim of harassment, discrimination, intimidation and/or bullying by another student or by a staff member, and all students who see or know of such behavior, should report the incident to a school staff member immediately.

To Report an Incident

If you need help because someone has discriminated against, harassed, bullied or intimidated you, or if you have concerns about such behavior, you can go to:

It is the policy of the Department of Education to maintain a safe and supportive learning environment that is free from harassment, intimidation and/or bullying and from discrimination on account of actual or perceived race, color, ethnicity, national origin, citizenship/immigration status, religion, creed, gender, gender identity, gender expression, sexual orientation, disability or weight . The policy prohibits such behavior by students against other students and by staff against students.

Prohibited behavior includes, but is not limited, to: physical violence; verbal or physical conduct that threatens another with harm; hazing; taunting; exclusion from peer groups designed to humiliate or isolate; using derogatory or discriminatory language to humiliate or harass. This policy is set forth in Chancellor's Regulations and the Citywide Standards of Intervention and Discipline Measures (The Discipline Code.)

Staff members who witness, harassment, discrimination, bullying and/or intimidating behavior will take appropriate action to intervene to stop such behavior.

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



Chancellor's Regulations

Chancellor's Regulation A-832

Student to Student Discrimination, Harassment, Intimidation and/or Bullying,

For Staff to Student Discrimination, Harassment, Intimidation and/or Bullying, please see

Chancellor's Regulation A-830

Filing Internal Complaints of Unlawful Discrimination/Harassment

Chancellor's Regulation A-420

Pupil Behavior and Discipline- Corporal Punishment

Chancellor's Regulation A-421 Verbal Abuse

What happens after a report is made?

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

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

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

Student Support

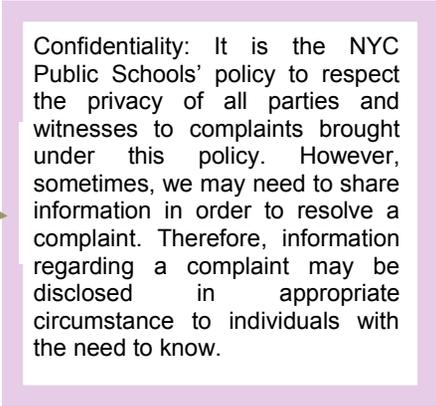
If appropriate, individual or group counseling, referral to an external agency and/or other inter-

Michael R. Bloomberg
Mayor

Dennis M. Walcott
Chancellor

Retaliation against someone who reports an incident of harassment, bullying, intimidation 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.



New York City
Department of Education



Respect for All:



**Making NYC Public
Schools Safe and
Supportive for All
Students**

Respect for All in NYC Public Schools

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

It is the policy of the Department to maintain a safe and supportive learning environment that is free from harassment, intimidation and/or bullying and from discrimination on account of actual or perceived race, color, citizenship/immigration status, religion, creed, national origin, disability, ethnicity, gender, gender identity, gender expression, sexual orientation or weight.

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.

national origin, disability, ethnicity, gender, gender identity, gender expression, sexual orientation or weight.

The policy prohibits such behavior

by students against other students and by staff against students.

Such discrimination, harassment, intimidation and/or bullying is prohibited 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.

It is also prohibited on other than school property when such behavior disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably endanger the health, safety, morality or welfare of the school community.

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 are some examples of banned behaviors?

Discrimination, harassment, intimidation and/or bullying may take many forms and can be physical, social, verbal or written. **Physical** harassment involves physical injury or threat of injury. **Social** harassment refers to the use of peer rejection or exclusion to humiliate or isolate a person. **Verbal** harassment refers to derogatory teasing, taunting, or insulting someone. **Written** discrimination, harassment, intimidation and/or bullying includes electronic communications (cyber-bullying) using information technology including, but not limited, to: Internet, cell phone, email, personal digital assistant, social media, blogs, chat rooms, and gaming systems.

Some examples include:

- Physical violence; stalking;
- Verbal or physical conduct that threatens another with harm;
- Seeking to coerce or compel a student or staff member to do something; hazing;
- Taunting; exclusion from peer groups designed to humiliate or isolate;
- Using derogatory language or making derogatory jokes or name calling to humiliate or harass;
- Making derogatory statements or engaging in hostile acts based on a student's race, color, ethnicity, religion, creed, national origin, gender, gender identity, gender expression, sexual orientation, citizenship/immigration status, weight, or disability;
- Written or graphic material, including graffiti, containing comments or stereotypes that are either posted, circulated or are written or printed on clothing or posted on the Internet (cyber-bullying) that are derogatory of others; engaging in this behavior based on a person's race, color, ethnicity, religion, creed, national origin, gender, gender identity, gender expression, sexual orientation, citizenship/immigration status, weight or disability.

What should you do if you believe another student or a staff member has harassed, bullied or discriminated against you or if you have witnessed such behavior?

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

- A student may make a report of bullying, intimidation, discrimination or harassment by another student 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 member
- A student may make a report of staff-to-student harassment, intimidation and/or bullying to the principal /designee or to the Office of Special Investigations.
- A student may make a report of staff to student discrimination based on race, color, ethnicity, religion, creed, national origin, gender, gender identity, gender expression, sexual orientation, citizenship/immigration status, weight, or disability to the principal/designee or to the Office of Equal Opportunity.
- Reports should be made as soon as possible after the incident so they can be effectively investigated and addressed.
- Staff must 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 reports of student-to-student harassment, bullying, or discrimination.