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# Bullying, Harassment and Discrimination in NYS Public Schools





# Our Goals

- Provide an overview of the Dignity for all Students Act and how it impacts New York's schools
- Provide a summary of the role of faculty/staff when dealing with bullying, harassment or discrimination in school



# DASA: The Dignity for All Students Act

*DASA was signed into law in September 2010. A portion of the law took effect in July 2012 and there were several amendments that became effective in July 2013.*

- *New York State Education Law, New Article 2, Chapter 482: The Dignity for All Students Act states: “No student shall be subjected to harassment or bullying 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.”*



# DASA: The Dignity for All Students Act

- DASA expands on the Safe Schools Against Violence in Education (SAVE) Act of 2000. SAVE requires a focus on ALL acts of violence. DASA builds on the SAVE legislation by targeting discrimination and harassment in public schools.
- The goal of the Dignity Act is to promote a safe and supportive learning environment in all public schools, free from harassment and discrimination from students or adults.



# What does DASA require?

- **Curriculum** must include instruction that supports the development of a school environment free of discrimination and harassment, as well as instruction in safe and responsible use of the Internet and electronic communications.
- **DASA Policy & Codes of Conduct** must be amended/adopted by the district, prohibiting discrimination and harassment against any student by employees or students, and provisions on responding to such acts.
- At least one staff member at every school must be designated the **Dignity Act Coordinator** and trained to handle human relations in the areas of: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. The names of these individuals must be given to parents/guardians.



# What does DASA require?

## Training & Education

- Employees must receive training to raise awareness and sensitivity to potential acts of discrimination and/or harassment and to prevent and respond to incidents of discrimination and harassment.
- Professionals applying for certificate or licenses, such as teachers or school administrators, are required to complete training on the social patterns of harassment, bullying and discrimination and strategies for effectively addressing exclusion, bias and aggression in educational settings.
- The State Education Department is required to provide guidance and educational materials, including best practices in addressing cyberbullying and best practices in helping families and communities to work cooperatively with schools in addressing cyberbullying.

# What does DASA require?

## Reporting

- School employees who witness harassment, bullying or discrimination or receive an oral or written report of harassment, bullying or discrimination **MUST ORALLY** report the suspected incident **NO LATER** than **ONE** school day after witnessing or receiving report.
- A **WRITTEN** report **MUST** be submitted no later than **TWO** school days after making an oral report.
- A principal, superintendent or designee is responsible to lead or supervise a thorough investigation of all reports of harassment, bullying or discrimination and to ensure that such investigations are completed promptly.

# What does DASA require?

## Reporting

- A principal, superintendent or designee must take **prompt action**, reasonably calculated to end the behavior, eliminate a hostile environment, create a more positive school culture, prevent recurrence of the behavior and ensure safety of the student or students against whom the behavior was directed.
- A principal, superintendent or designee is required to **promptly notify** the appropriate local law enforcement agency when he/she believes that harassment, bullying, or discrimination constitutes criminal conduct.
- Principals are required to make **regular annual reports** on data and trends related to harassment, bullying and discrimination to the superintendent.



# How do we identify harassment? Bullying? Discrimination?

Remember: Conflict is normal...bullying is abuse!



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**Harmless Teasing**

**Not Bullying**

**Bullying**

**Illegal Bullying**

DIGNITY  
RESPECT



# What is harassment?

- Harassment is the creation of a hostile environment that has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits or mental, emotional or physical well-being.

# What is bullying?

Bullying is unwanted, aggressive intentional form of harassment that involves a real or perceived power imbalance. The behavior is repeated, or has the potential to be repeated, over time. Bullying includes such actions as making threats, spreading rumors, attacking someone physically or verbally and excluding someone from a group on purpose.

- **An imbalance of power:** Individuals who bully use their power, such as physical strength, access to embarrassing information or popularity to control or harm others. Power imbalances can change over time and in different situations, even if they involve the same people.
- **Intent to cause harm:** The person bullying has a goal to cause harm. Bullying is not accidental.
- **Repetition:** Bullying behaviors generally happen more than once or have the potential to happen more than once.

# What is bullying?

**Examples of bullying include, but are not limited to:**

- **Verbal:** Name-calling, teasing, inappropriate sexual comments, taunting and threatening to cause harm.
- **Social:** Spreading rumors about someone, excluding others on purpose, telling other children not to be friends with someone and embarrassing someone in public.
- **Physical:** Hitting, punching, shoving, kicking, pinching, spitting, tripping, pushing, taking or breaking someone's property and making mean or rude hand gestures.

**Bullying almost always requires adult intervention.**

# What is cyberbullying?

- Cyberbullying is bullying that takes place using electronic technology. Examples of cyberbullying include mean text messages or e-mails, rumors sent by e-mail or posted on social networking sites and embarrassing pictures, videos, websites or fake profiles.

# What is discrimination?

■ Discrimination, as defined by the New York State Education Department (NYSED), is the “denial of equal treatment, admission and/or access to programs, facilities and services based on the person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity), or sex.”

*NOTE: Discrimination is not specifically defined in the Dignity Act. For reference purposes, it should be noted that Education Law §§3201 and 3201-a prohibit discrimination in the form of denial of admission into or exclusion from any public school on the basis of race, creed, color, national origin, and sex.*



# What is a material incident?

- A material incident is a single incident or a series of related incidents in which a student is subjected to harassment, bullying and/or discrimination by a student and/or employee on school property or at a school function that creates a hostile environment by conduct, with or without physical contact and/or by threats, intimidation or abuse (*based on, but not limited to the 11 protected areas*).



# What should be included in a report?

*Reports will include incidents that are the result of an investigation of written or oral complaint made to ANY school employee OR an incident directly observed by an employee regardless of whether a complaint is made.*

- **WHAT:** The type(s) of bias involved – including, but not limited to, the 11 protected areas (race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex)
- **WHO:** Whether incident resulted from student and/or employee conduct;
- **HOW:** Whether incident involved physical conduct and/or threats, intimidation or abuse;
- **WHERE:** Location where incident occurred (on school property and/or at school function or off school property, if applicable).

# Does the behavior or situation...

- ...substantially interfere with a student's educational performance, opportunities or benefits or mental, emotional or physical well-being?
- ...reasonably cause a student to fear for his or her physical safety?
- ...cause or would be expected to cause physical injury or emotional harm?
- ...occur off of school property and create a risk of substantial disruption within the school environment?

**...IF YES, THEN IT IS BULLYING OR HARASSMENT AND MUST BE REPORTED.**



# Follow the FIVE “Rs” after being alerted to or witnessing a bullying incident:

**Respond:** When bullying is reported or witnessed directly, you must RESPOND and intervene immediately, making sure that everyone is safe. Model respectful behavior during the intervention and reassure the student who has been bullied that what has happened is not his or her fault. Ask the student, “What do you need from me?” This may help you determine some of your next steps, including what kind of follow-up is needed.



# Follow the FIVE “Rs” after being alerted to or witnessing a bullying incident:

**Research:** Document what the allegations are and try to capture information from as many sources as possible, including bystanders, about what happened. Write down exactly what students say happened using their language. It may also be helpful to try to find out whether anything happened that might have led to the incident. An important part of research is to determine whether the incident was indeed bullying or another kind of negative or aggressive interaction.



# Follow the FIVE “Rs” after being alerted to or witnessing a bullying incident:

**Record:** Good documentation will provide what is needed to write a thorough, accurate and helpful report. Collect and save everything in a folder. In some cases, like cyberbullying, there may be items like text messages, pictures, or e-mails that should be copied and saved for attachment to the report.

**BESPECT**





# Follow the FIVE “Rs” after being alerted to or witnessing a bullying incident:

**Report:** Just like responding to the incident itself, writing and filing a formal report of a bullying incident should always be guided by your school’s policies, student code of conduct and the commissioner’s regulations. Your school will probably have its own forms for writing and filing a report. After thorough research and while reviewing your school’s student code of conduct, this report is where you would make a determination as to whether an incident is bullying or some other form of behavior.



# Follow the FIVE “Rs” after being alerted to or witnessing a bullying incident:

**Revisit:** After a plan has been developed for both the student who was bullied and the student engaged in bullying behavior, it will be important to follow up with each student to check and see how things are going. Did anything change? Are the plans working (or not)? Does anything else need to be done? This follow-up is also an opportunity to gather more information and it lets all students involved know that there is continued adult support for them.

# Maintain a Circle of Confidentiality

- To effectively investigate an alleged incident of harassment or bullying, it is important to establish processes and procedures that prevent the “re-victimization” of the student. Some types of harassment may become even more harmful through the perpetration in gossip and rumors or through the association of an individual with a marked term or status in the school community. It is therefore essential to objectively and systematically collect the facts, but to do so in a manner that does not perpetuate the harm already caused to the student.

# Steps to limit re-victimization include:

- **Frame open-ended questions**, such as “Have you heard Robert calling any of the girls names?” and following up with “Did you hear him call Susan any names?” is preferable to posing a pointed question like “Did you hear Robert call Susan an X?” The pointed question, by its phrasing, inadvertently expands the audience for the harassment.
- **Ask staff not to discuss incidents with one another outside the context of the actual investigation.** Emphasizing an atmosphere of confidentiality throughout the investigative process also helps prevent further dissemination of information about the harassment.
- **Interviewees should be told during the interview that the information they provide will be kept confidential to the extent permitted under the law, but that there may be instances where the administration is required by law to share the information on a need-to-know basis.**

# What doesn't work...?

- Telling the targeted student to ignore the bullying.
- Telling the targeted student to work it out.
- Trying to sort out the facts on the spot.
- Forcing bystanders to say publicly what they saw.
- Questioning those involved in front of others.
- Bringing the targeted and bullying kids together.
- Asking for an apology.

# Labeling: The Importance of NOT Labeling Kids

- When referring to a bullying situation, it is easy to call the kids who bully others “bullies” and those who are targeted “victims,” but this may have unintended consequences. When children are labeled as “bullies” or “victims” it may:
  - Send the message that the child's behavior cannot change;
  - Fail to recognize the multiple roles children might play in different bullying situations;
  - Disregard other factors contributing to the behavior, such as peer influence or school climate.

# Labeling: The Importance of NOT Labeling Kids

Instead of labeling the children involved, *focus on the behavior*. For instance:

- Instead of calling a child a “bully,” refer to him/her as “the child who bullied.”
- Instead of calling a child a “victim,” refer to him/her as “the child who was bullied.”
- Instead of calling a child a “bully/victim,” refer to him/her as “the child who was both bullied and bullied others.”

# Roles kids play in a bullying situation

- **Kids who bully:** These children engage in bullying behavior toward their peers. There are many risk factors that may contribute to the child's involvement in the behavior. Often, these students require support to change their behavior and address any other challenges that may be influencing their behavior.
- **Kids who are bullied:** These children are the targets of bullying behavior. Some factors put children at more risk of being bullied, but not all children with these characteristics will be bullied. Sometimes, these children may require assistance to learn how to respond to bullying.

# Roles kids play in a bullying situation

- **Kids who assist:** These children may not start the bullying or lead in the bullying behavior, but serve as an “assistant” to children who are bullying. These children may encourage the bullying behavior and occasionally join in.
- **Kids who reinforce:** These children are not directly involved in the bullying behavior but they give the bully an audience. They will often laugh or provide support for the children who are engaging in bullying. This may encourage the bullying to continue.
- **Outsiders:** These children remain separate from the bullying situation. They neither reinforce the bullying behavior nor defend the child being bullied. Some may watch what is going on but do not provide feedback about the situation to show they are on anyone’s side. Even so, providing an audience may encourage the bullying behavior. These kids often want to help, but don’t know how.
- **Kids who defend:** These children actively comfort the child being bullied and may come to the child’s defense when bullying occurs.

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# Roles kids play in a bullying situation

**Most kids play more than one role in bullying over time.**

- It is important to note the multiple roles kids play, because those who are both bullied and bully others may be at more risk for negative outcomes, such as depression or suicidal tendencies. It also highlights the need to engage all kids in prevention efforts, not just those who are known to be directly involved.





# Signs that a child is being bullied:

Be aware that not all children who are bullied exhibit warning signs.

*Signs of bullying include:*

- Unexplainable injuries;
- Lost or destroyed clothing, books, electronics or jewelry;
- Frequent headaches or stomachaches, feeling sick or faking illness;
- Changes in eating habits, like suddenly skipping meals or binge eating (kids may come home from school hungry because they did not eat lunch);
- Difficulty sleeping or frequent nightmares;
- Avoidance of areas of school grounds, such as the playground, cafeteria or restrooms;
- Declining grades, loss of interest in schoolwork, or not wanting to go to school;
- Sudden loss of friends or avoidance of social situations;
- Loss of interest in activities formerly enjoyed;
- Feelings of helplessness or decreased self-esteem; and/or
- Self-destructive behaviors, such as running away from home, self-harm or talking about suicide.

# Signs that a child is bullying others:

Children may be bullying others if they:

- Get into physical or verbal fights;
- Have friends who bully others;
- Are increasingly aggressive;
- Have no regard for other people's feelings;
- Disrespect authority and/or rules;
- Disrespect the opposite gender and people of different races, ethnicities or religions;
- Get sent to the principal's office or to detention frequently;
- Have unexplained extra money or new belongings;
- Blame others for their problems;
- Lie to get out of trouble;
- Deliberately hurt pets or animals;
- Use anger to get what they want;
- Refuse to accept responsibility for their actions; and/or
- Are competitive and worry about their reputation or popularity.

# What does work?

*A comprehensive, system-wide, restorative approach to student discipline and school culture that reduced opportunities and rewards for bullying and mobilizes bystanders to take action.*

- A punitive approach is exactly as it sounds: students break rules, then get punished. Further “acting up” leads to suspensions, either in or out of school.
- A restorative approach is intended to allow students to learn from their mistakes. If they are involved in an incident that normally would have resulted in a suspension or other punishment, in a restorative justice approach, students are asked to take ownership for their actions, learn about the harms they caused and then begin the process of restoring relationships with those whom their actions may have harmed.

**There will ALWAYS be some assigned consequences; however look for ways to support the improvement of a student’s behavior.**



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***Where can you make an impact on bullying?***

***What can you do to create a more positive, respectful climate in your school?***

***What can you do to make a difference for one child in one situation?***

**RESPECT**



# Here are some ideas:

- Foster skills to resolve conflict, such as listening, empathy, critical thinking and self-control.
- Avoid scolding or lecturing.
- Avoid a culture of humiliation.
- Actively involve students in their school culture and climate. Maximize student involvement in deciding how to resolve problems.
- See instances of wrongdoing and conflict as opportunities for learning. Turn negative incidents into constructive ones by building empathy and a sense of community.
- Develop trusting and caring relationships between adults and students.
- Assist students in considering ways to make amends for misbehavior, such as replacing, repairing, cleaning or apologizing.
- Follow up to determine whether a problem was solved or more work needs to be done.
- Encourage reflection.
- Allow flexibility for different students, needs and situations.



# Does your school follow these best practices?

- Continual assessment of the school climate.
- Set aside 20 to 30 minutes a week for class discussions about bullying/harassment/discrimination.
- Increased supervision in “hot spots.”
- Involve students in prevention plans.
- Encourage parent involvement.
- Training for ALL.
- Integration of anti-bullying themes in curriculum.
- Investigate and resolve incidents quickly.
- Create a school-wide climate of caring connections.



# Family and Parent Engagement: Communicating with the school community:

- Schools are encouraged to use multiple means of communicating with the school community to ensure the Dignity Act becomes part of the fabric of the school culture.

BESPECT





# Family and Parent Engagement: Communicating with the school community:

- District and/or school town hall and parent meetings.
- District and/or school workshops for various stakeholder groups, including but not limited to parents, students, faculty and staff, community members, etc.
- Information on district and school websites.
- District/school questionnaires and/or surveys.
- A dignity act coordinator e-mail box through which to gather community feedback and concerns.
- School newsletters and brochures aimed at one or more of the various stakeholder groups.
- Posters developed by the district and disseminated to all school sites.
- Establishing local committees to enhance implementation and communication.



# Thank you!

## RESOURCES CITED:

- NYSED: Dignity Act Resource Guide - A Resource and Promising Practices Guide for School Administrators & Faculty

<http://www.p12.nysed.gov/dignityact/resourceguide.html>

- Stop Bullying

[www.stopbullying.gov](http://www.stopbullying.gov)