



UPDATE ON THE DIGNITY ACT

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OVERVIEW AND EXPECTATIONS

To review and understand the recently adopted Dignity Act regulations

To identify and strategize methods of effectively responding to cyberbullying on and off school property

To become familiar with new internal and external reporting requirements

To ascertain solutions to difficult situations through case studies

Intent of The Dignity Act

Provide all public schools with an environment free from discrimination and harassment

Foster civility in public schools

Promotion of educational measures meant to positively impact school culture and climate

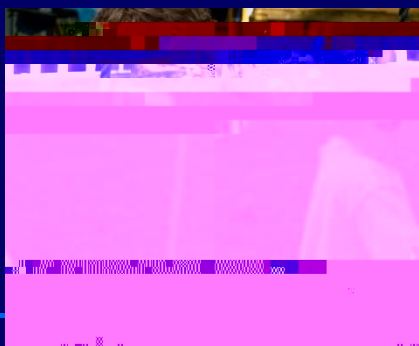
Brief Overview of The Dignity Act

Legislative intent: proactive and prevent bullying, harassment and discrimination

Create a school environment free of discrimination and harassment

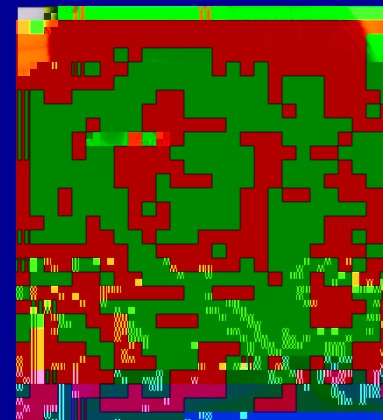
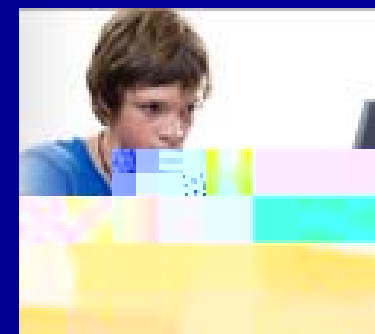
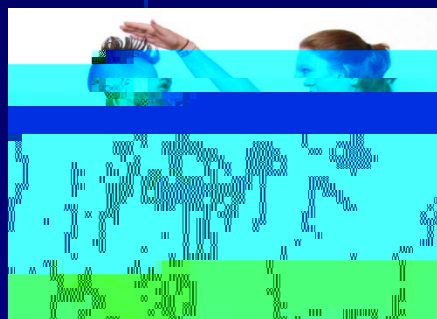
Foster a culture of civility in public schools & prevent conduct inconsistent with a school's mission

Respects other constitutional rights (e.g. free speech)



The Dignity Act

No student shall be subjected to harassment, discrimination, or bullying by employees *or* students



Dignity for All Students Act

No student shall be subjected to discrimination based on – *but not limited to* - their:

- Color
- race
- *weight*
- national origin
- ethnic group
- *religion*
- *religious practice*
- disability
- *sexual orientation*
- *gender identity* or sex

Amendments to the Dignity Act Effective July 1, 2013

The purpose of the amendments and recently approved regulations is to significantly expand the scope and intent of the Dignity Act to include provisions on bullying and cyberbullying and to make the Act applicable in certain instances to conduct occurring off school property.



The statute addresses provisions relating to:

- (1) instructional requirements
- (2) codes of conduct;
- (3) reporting; and
- (4) policies, guidelines and training

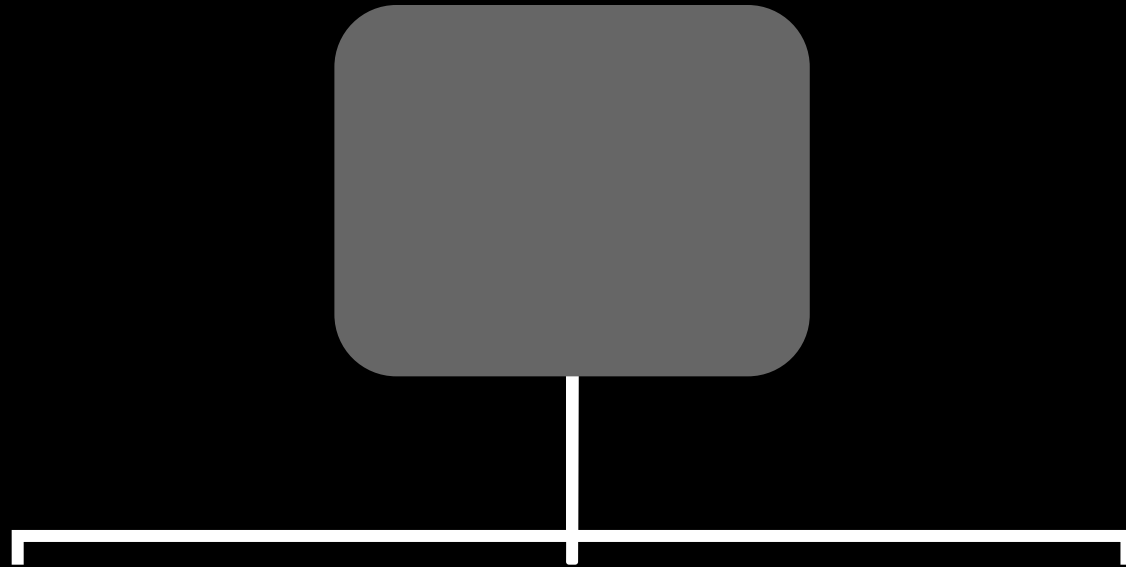


Bullying=Harassment*

Behavior that creates a hostile environment by conduct or by threats, intimidation or abuse that either: (1) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being, including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or (2) reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for his or her physical safety.

*as defined by NYSED

TYPES OF AGGRESSIVE BEHAVIOR



Cyberbullying is not an online disagreement.



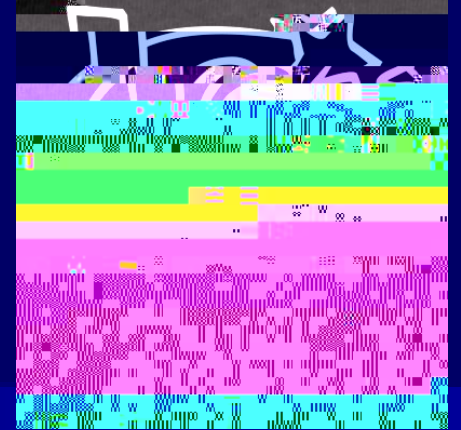
NYS Education law defines cyberbullying as bullying or harassment* where such harassment or bullying occurs through any form of electronic communication.

It is the use of technology to deliberately harass, threaten or intimidate others. This sense of power is often heightened and shared as other students pile on in the public shaming.

So what about a student's right to freedom of speech?

* As defined by NYS Education law

Freedom of Speech



A steady stream of mocking remarks specifically directed at an identifiable person or group due to their skin color, religion, body shape, athletic abilities, etc contributes little, if anything to the marketplace of ideas, the core purpose of the First Amendment's protection of freedom of speech.

The Problem

Most cyberbullying takes place off campus. While behavior that takes place at school is clearly under the jurisdiction of educators, behavior that takes place at home is usually viewed under the jurisdiction of parents.



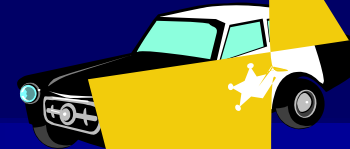


**So the million dollar question
is....**

School officials may be able to impose a formal disciplinary response if a school nexus and substantial disruption has been established. But there are actions that can be taken *regardless* of the disruption to the school environment (or lack of it):*



Line Between Bad Behavior and Criminal Behavior



Threats of violence
Making obscene or harassing calls
Harassment or Stalking
Hate or bias based Crimes
Creating/Disseminating child pornography
Sexting?
Sexual Exploitation
Taking a photo image of someone where privacy is expected.





When an investigation verifies a material

INTERNAL REPORTING

Staff will need clear expectations as to what they are to report!

School employees who witness harassment, bullying and/or discrimination or receive an oral or written report of such acts shall promptly orally notify the principal, superintendent or their designee not later than one school day after such employee witnesses or receives a report of such acts, and shall also file a written report no later than two days after making an oral report.*

Questions to Consider:

Is it up to staff's judgment as to what constitutes bullying, harassment or discrimination? Is this too high an expectation?

Should they report any act of aggression they witness or receive and allow administration to determine if it meets the reporting criteria?

When or where does basic classroom management come into the equation?

***Amendment to Section 100.2(kk); regulation adopted April 11, 2013**

Additional Policies, Guidelines and Training





Instructional Requirements

Extends the required instruction for all public school students to explicitly include bullying and cyberbullying.

In addition, the regulation requires, for all public school students including charter school students, instruction supporting development of a school environment free of harassment, bullying and/or discrimination have an emphasis on discouraging acts of harassment, bullying (including cyberbullying) and discrimination and include instruction in the safe, responsible use of the Internet and electronic communications.

School Employee Training

Specifically, the regulation requires each school district, BOCES and charter school to: establish policies, procedures and guidelines, on or before July 1, 2013, to implement school employee training programs that promote a positive school environment that is free from harassment, bullying and discrimination (including cyberbullying) and to discourage and respond to incidents of harassment, bullying and discrimination.