

The Dignity for All Students Act



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WHAT IS THE DIGNITY FOR ALL STUDENTS ACT (THE DIGNITY ACT)?

- The Dignity Act is intended to give students in public schools an educational environment free from discrimination and harassment. It protects against all forms of harassment, particularly those based on a student's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
- The Dignity Act will prohibit activities that create a hostile environment at school and school-sponsored events. These activities can include aggressive conduct, threats, intimidation or abuse that unreasonably and substantially interferes with another student's educational performance. The Dignity Act also creates a framework for promoting a more positive school culture through sensitivity training and classroom curricula on diversity.

HOW WILL THE DIGNITY ACT WORK?

- The Dignity Act amends state education law to require that schools incorporate curricula on diversity and sensitivity into lessons on civility and citizenship.
- One employee from each school will need to attend an intensive training program. This person will become the school's designated contact for handling bullying. They will be trained to recognize and respond effectively to harassment and bullying, and implement strategies to prevent it.
- Incidents of bullying will be reported to the New York State Education Department on at least an annual basis so the state can evaluate schools' performance. Your local school district will probably manage reporting.
- Schools and districts will need to draft age-appropriate, plain language versions of the statute to appear in student codes of conduct.
- The New York State education commissioner will assist school districts in establishing sensitivity and tolerance trainings open to all staff. The commissioner will also provide direction to school districts on developing effective responses to bullying, including intervention and education.
 - However, individual school districts will create their own guidelines for training and prevention as well as policies for responding to harassment and discrimination.

WHEN WILL THE DIGNITY ACT BE IMPLEMENTED?

The Dignity Act takes effect on July 1, 2012. Until then, a statewide task force will be developing guidelines and model programs for schools to adapt for their students and staff. As a member of the task force, the NYCLU is working closely with the governor's office to ensure that the Dignity Act will promote safe, nurturing classrooms across New York.

Guidelines for Addressing Bullying & Bias-Based Harassment on Campus



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Bullying is a serious problem that affects many students at all grade levels, sometimes seriously affecting their ability to succeed in school and their emotional and psychological development.

Schools must prevent and address bullying by responding with comprehensive, thoughtful approaches that go beyond punishment. Studies have shown that punitive-only responses to bullying do not improve school safety or reduce levels of bullying.

This document seeks to provide guidelines on ways to address bias-based bullying. Moreover, it provides guidance for schools on the recently-enacted Dignity for All Students Act (The Dignity Act), a state law that recognizes the need for schools to take proactive measures to prevent and address bullying. The Dignity Act will take effect at the beginning of the 2012-2013 school year, but districts can begin working now to meet their obligations under state law.

The principles below should be codified in every school district's student and parent handbook, code of conduct and other policies, and communicated to parents and students annually.

Preventing Bullying and Harassment

- **Train all Staff on Bullying Issues:** All staff should be trained on identifying and addressing the causes of bullying (for example, intolerance, homophobia, racism); identifying early signs of bullying; intervention strategies; and talking with students about bullying. It is important that non-pedagogical staff receive training to be able to at least recognize and report bullying.
- **Incorporate Anti-Bullying and Tolerance Lessons into all Students' Core Curricula:** The Dignity Act requires that schools incorporate lessons on civility, tolerance and diversity into their core curricula starting with the 2012-2013 school year. Schools should use these lessons to discuss bullying and harassment, why sensitivity is important in the school and work environments, and how students should respond if they witness or experience bullying.
- **Understand the Various Tactics Used by Bullies:** With students' increased access to technology, it is important for schools to understand the best ways to prevent and respond to "cyber bullying" (bullying via text, e-mail and web posting). Schools should treat cyber bullying like other forms of bullying—intervening when the conduct interferes with a student's ability to succeed in school but always protecting students' privacy and First Amendment rights. Schools should educate students on proper behavior on the Internet, yet refrain from using educational resources to monitor off-campus activities.

Addressing Incidents of Bullying and Harassment

- ◆ **Designate a Staff Member to Become an Expert on Bullying:** The Dignity Act requires each school to have at least one staff member who acts as a point person on bullying issues and incidents. This person must receive comprehensive training on the causes of bullying, the psychology of bullying, and how to intervene when bullying occurs. Title IX requires every school

to designate a staff person to handle complaints of sex discrimination; this same person can be responsible for responding to bullying.

- ◆ **Create a Confidential Complaint Mechanism:** Students and parents should be provided with a confidential complaint mechanism that they can use to report incidents of bullying to the coordinator. Whenever possible, a form should be included on the school's website to enable members of the school community to report bullying online. In addition to responding to each complaint, the coordinator should regularly review all received complaints to determine whether there are patterns that warrant special attention.
- ◆ **Focus on the Emotional and Psychological Needs of the Victim *and* the Bully:** Removing an aggressive student from school, through suspension or arrest, is *not* proven to address the causes of bullying or prevent further acts of bullying. In fact, removing a student from a structured environment can lead to increased frustration, fear and isolation, with potentially negative consequences for both the bully and victim.

Schools should focus on the emotional and psychological needs of the bully *and* victim, including counseling and pedagogical methods. Suspensions should only be used as a last resort to address bullying. Schools should avoid involving the police except in the most extreme circumstances, and only when there is a serious violation of the penal law.