

# Implementing Respect For All



## A Guide to Promoting a Safe and Inclusive School Environment for All Students and Complying with the Dignity Act

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## Contents

### Contents

Respect For All.....	5
Discrimination.....	6
Non-Bias Based Harassment, Intimidation and/or Bullying .....	6
Bias Based Harassment, Intimidation and/or Bullying.....	6
Physical Sexual Aggression .....	7
School Culture .....	7
The Role of Social Norms .....	8
Taking a Whole School Approach.....	8
Some guiding questions to consider when examining these factors: .....	9
Meeting the Dignity Act Requirements .....	10
Notification/Training .....	11
Training Resource for Instructional and Non-Instructional Staff.....	12
Instructional Resources .....	12
Chancellor’s Regulation A-832 (Student-to Student Discrimination, Harassment, Intimidation and/or Bullying) and Chancellor’s Regulation A-831 (Student-to- Student Sexual Harassment).....	13
Additional Requirements and Changes Concerning Procedures for A-831 and A-832 Complaints .	14
Excerpts from CR A-832 .....	16
Harassment, Intimidation and Bullying .....	16
Discrimination.....	17
Examples of Prohibited Behavior .....	17
Excerpts from A-831.....	18
Sexual Harassment.....	18
Examples of Prohibited Behavior .....	18
RFA and SHP Liaisons.....	19
Criteria for Selecting RFA and SHP Liaisons .....	19
Posters and Brochures.....	20
Reporting by Students, Parents and other Individuals (other than staff) .....	20
Reporting Responsibility of All School Staff .....	21
An employee who fails to make a report as set forth in Section II.C may be subject to discipline, which may include termination, mandatory training, and/or other appropriate follow up action....	21

OORS Reporting Requirements and Updates.....	21
Parent Notification of Receipt of A-832 or A-831 Complaint.....	25
Investigation.....	25
Updating OORS Post-Investigation.....	27
Notice of Determination.....	27
Failure to Complete Investigation and Update OORS.....	28
Interventions and Supports.....	28
Central Team.....	30
Required Annual Review of Chancellor’s Regulation A-832 and A-831.....	30
Review of CR A-832 with Staff Members.....	30
Review of CR A-832 with Students (K-5 training deck and 6-12 training deck).....	31
Review of CR A-831 with Staff.....	31
Review of CR A-831 with Students.....	32
Plans to Prevent and Address Harassment.....	32
Other Chancellor’s Regulations.....	32
Chancellor’s Regulation A-830 (Anti-Discrimination Policy and Procedures for Filing Internal Complaints of Discrimination).....	32
Summary of Prohibited Discrimination by DOE Staff against Students.....	33
Chancellor’s Regulation A-420 (Pupil Behavior and Discipline – Corporal Punishment).....	34
Notification to Staff.....	34
Reporting an Allegation of Corporal Punishment Staff Member and Principal/Designee Obligations.....	35
Chancellor’s Regulation A-421 (Verbal Abuse).....	35
Notification to Staff.....	36
Reporting an Allegation of Verbal Abuse Staff Member Obligations.....	36
The Citywide Behavioral Expectations to Support Student Learning (The Discipline Code).....	37
Review of the Discipline Code.....	37
Expectations.....	38
Inclusive Instructional Methods.....	39
Include Pedagogy.....	39
Inclusive School Counseling.....	41
Critical Role of the Counselor.....	43
Establishing Bias-Free Materials.....	43

College and Career Counseling .....	43
Parent Outreach .....	44
Creating an Inclusive School Community: Sensitivity to the Experience of Specific Student Populations .....	44
Children with Special Needs .....	44
PACER handouts include: .....	46
Refugee and Immigrant Children .....	46
Guidelines on Gender .....	47
Guidelines to Support Transgender and Gender Expansive Students .....	47
Guidelines on Gender Inclusion .....	49
OUT for Safe Schools® .....	49
Gender and Sexuality Alliance Clubs .....	49
Curriculum .....	49
More Information .....	49
Consolidated Youth Development Plan .....	50
The RFA/SHP plan must include: .....	50
A comprehensive plan: .....	50
Appendix A – Public Notification of Anti-Discrimination Policy .....	51
Appendix B – Summary of Prohibited Discrimination .....	52

## Respect For All

The New York City Department of Education (NYCDOE) is committed to ensuring that our schools are safe, secure, and orderly environments, in which teaching and learning take place each day whether in person in a school building or in a [remote learning setting](#). Documents providing schools with further guidance for supports, interventions, and behavioral expectations can be found [here](#).

If we lack respect for one group, then there is a tendency for that attitude to spread. It becomes infectious and no one becomes safe from the ravages of prejudice." -Walter Annenberg

"When I dare to be powerful — to use my strength in the service of my vision, then it becomes less and less important whether I am afraid." —Audre Lorde, Writer, Feminist, Womanist, Librarian, and Civil Rights Activist

No student shall be subjected to harassment, discrimination, or bullying, including cyberbullying by employees or students on school property or at a school function or off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property; 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 by school employees or students on school property or at a school function. **Dignity for All Students Act (Dignity Act) effective July 1, 2013 (summarizing prohibited conduct)**

School culture and climate have a profound effect on students' academic achievement and behavior. The ability of students to learn and meet high academic standards and a school's ability to educate its students are compromised by discrimination or harassment, including bullying, taunting and/or intimidation. Each school is expected to promote a positive school culture and climate that promotes positive interpersonal and intergroup relations and respect for diversity among students and between students and staff, by providing all students with a supportive and safe environment in which to grow and thrive both academically and socially.

The Dignity Act makes it the policy of New York State to afford all students in public schools an environment free of discrimination and harassment. The legislature finds it is vital to protect all students from harassment, bullying, cyberbullying and discrimination.

Bullying, harassment and discrimination, including sexual harassment, pose a serious threat to all students, including but not limited to students targeted because of actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability, or weight. It is imperative to protect every student from such harm regardless of whether the student is a member of a specific protected category.

“Harassment” and “bullying” shall mean the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse, including cyberbullying. If such hostile environment involves unwelcome conduct of a sexual nature, then it is sexual harassment.

Chancellor’s Regulations A-830 (Anti-Discrimination Policy and Procedures for Filing Internal Complaints of Discrimination); Chancellor’s Regulation A-832 (Student-to-Student Discrimination, Harassment, Intimidation, and/or Bullying).

A-831 (Student-to-Student Sexual Harassment); A-420 (Pupil Behavior and Discipline - Corporal Punishment) and A-421 (Pupil Behavior and Discipline - Verbal Abuse) set forth the DOE’s policies prohibiting discrimination and harassment by employees against students and student-on-student bullying, harassment and/or intimidation, including sexual harassment, and discrimination based on an individual’s actual or perceived race, color, religion, ethnicity, national origin, citizenship/immigration status, disability, sexual orientation, gender, gender identity, gender expression or weight.

In addition, the following infraction codes in the Citywide Behavioral Expectations to Support Student Learning (The Discipline Code) prohibit students from engaging in this behavior.

### **Discrimination**

**A23/B23** Using slurs based upon actual or perceived race, ethnicity, color, creed, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability

### **Non-Bias Based Harassment, Intimidation and/or Bullying**

**A36/B39** Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited, to: physical violence; stalking; verbal, written, 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.

### **Bias Based Harassment, Intimidation and/or Bullying**

**A37/B40** Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying) based on an individual’s actual or perceived race, color, creed, religion, religious practices, ethnicity, national origin, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, disability or weight; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, 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 (Grades K-2: A-F, G only where behavior is repeated and involves physical violence)

## **Physical Sexual Aggression**

**B56** Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity

Harassment and discrimination based on one or more protected categories (identity characteristics) affects both the direct target(s) of the behavior and other individuals in the community regardless of whether they share or do not share one or more of the same identity characteristics. Therefore, the unique effects of discriminatory harassment require a different response than would other types of bullying. A school's responsibility is to eliminate the hostile environment created by such harassment, address its effects, and take steps to ensure that harassment does not recur.

### School Culture

"A school's culture has far more influence on life and learning in the schoolhouse than the state department of education, the superintendent, the school board, or even the principal can ever have." -Roland Barth

To establish and maintain a school environment free of discrimination and harassment means taking a close look at a school's culture and climate. A school's climate is a reflection of the school community's culture. Briefly, school climate is how students and staff feel about their school. School culture is why they feel the way they do. A school's culture is determined by the values, beliefs, and behavior of all the various stakeholders in the school community and reflects the school's social norms.

Who is the school community?

- Students and their parents
- Teachers
- Administrators
- Counselors, Social Workers, Parent Coordinator, etc.
- Related service providers
- School Safety Personnel
- Cafeteria and Custodial Staff
- Transportation staff
- Community members

Factors affecting school culture:

- Staff expectations of student behavior and academic achievement
- School policies and procedures
- Consistent and equitable treatment of all students
- Equity in, and access to, resources (budget, space, time, personnel, equipment, supplies, etc.)

- Equity in, and access to, support services (individual/group counseling, mentoring, etc.)
- Student and family engagement

## The Role of Social Norms

“Not everything that counts can be measured, and not everything that can be measured, counts.” - Albert Einstein

Social norms have been called the “grammar of a society” because norms, like the rules that govern a language, delineate what a social group finds acceptable or unacceptable. (Bicchieri, 2006) The social norms of a school community are established based upon the beliefs and expectations that members of the school community have regarding what is acceptable and unacceptable within the context of the school environment. They are spread through the school community by way of policies and protocols, level of access to opportunities and services, stories, equity and standards of accountability, interpersonal and intergroup interactions, choice of language and tone of voice, non-verbal communication (gestures, body language, personal space, eye contact), consequences, formal and informal rituals and ceremonies, use and condition of space, rewards systems, role-model behavior, allocations of resources, etc. In short, a school’s norms are the spoken and unspoken “rules” everyone in the school community knows and which govern how the school “works” (or doesn’t work) for all members of the school community, especially students.

The impact of beliefs and expectations on students’ academic performance has been well documented. An analogous body of research has also demonstrated the equally powerful impact of beliefs and expectations on behavior. When we reflect on our own beliefs and expectations about what is acceptable and unacceptable and if we think about the “rules” that govern our social interactions, we begin to see what it means to be literate in both the explicit and implicit norms of our community. We also begin to realize how both adults and peers, at home and in school, influenced our own understanding when we were students of what was acceptable and what was not acceptable at school. Adults in the school should always be aware of their impact as role models and treat others in the school with dignity and respect.

## Taking a Whole School Approach

Each school is expected to promote a positive school culture that promotes interpersonal and intergroup respect among students and between students and staff. To ensure that our schools provide all students with a supportive and safe environment in which to grow and thrive academically and socially requires attention to each of the following facets of a school community:



Social Environment	Physical Environment	Behavioral Environment
<ul style="list-style-type: none"> <li>• <b>Interpersonal Relations: Students and Staff</b></li> <li>• <b>Respect for Diversity</b></li> <li>• <b>Emotional Well-Being and Sense of Safety</b></li> <li>• <b>Student Engagement</b></li> <li>• <b>School and Family Collaboration</b></li> <li>• <b>Community Partnerships</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Building Conditions</b></li> <li>• <b>Physical Safety</b></li> <li>• <b>School Wide Protocols</b></li> <li>• <b>Classroom Conditions</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Physical and Mental Well-Being</b></li> <li>• <b>Prevention and Intervention Services</b></li> <li>• <b>Behavioral Accountability (Interventions and Disciplinary Responses)</b></li> </ul>

**Some guiding questions to consider when examining these factors:**

- How well does the school project a welcoming and supportive environment for all students?
- What are the school’s behavioral expectations for students and staff, and how well do they address the responsibility of the school to ensure a safe and supportive environment?
- How does the school communicate with staff and students its clear expectations regarding pro-social behavior and respect within the school community?
- How well do all adult members of the school community model positive interpersonal relations and respect for diversity in their interactions with one another – and with students and their families?
- What kinds of programs and initiatives does the school implement to promote positive interpersonal relations and respect for diversity?
- If an individual or group engages in discriminatory behavior toward a student or group of students based on the student’s or group of students’ actual or perceived identity, how does the school address the behavior so that it does not become a pervasive or persistent pattern and so that the targeted student or group of students does not have reason to believe that such behavior is likely to continue?
- How does the school integrate respect for diversity into the curriculum?
- How well does the school library collection (books, periodicals, multimedia resources) and visual displays throughout the building promote respect for diversity?
- How are students, the largest group of stakeholders in the school, involved in preventing bias-based behavior and promoting respect?
- How are students provided with opportunities for social emotional learning?
- How are students learning empathy?
- How often does the school review, and amend, its safety and security procedures to ensure that all areas to which students have access are well supervised, including stairwells, hallways, locker rooms and athletic facilities, outside play areas, cafeteria, auditorium, etc.
- When students do not meet behavioral expectations, how does the school ensure equitable implementation of support and discipline?
- How does the school implement progressive discipline and use prevention and intervention strategies such as peer mediation and restorative circles?
- When incident, intervention, and disciplinary action data is regularly reviewed, how does the school bring multiple perspectives and disciplines to the process?

- How are resources used to support student engagement (student organizations, clubs and teams) so that all students see themselves as valued members of the school community?
- How does the school actively support and encourage diversity in student government?
- How does the school provide regularly scheduled opportunities for students, especially those who are not elected to student government, to share ideas, identify concerns and strategies for improved school climate and culture with the principal/school leaders?
- How well does the school promote diversity in the recruitment of students who serve as peer mediators in the peer mediation center?
- How successful is the school in welcoming the families of all students into the school community?
- Does the school engage and encourage parents to work as partners in their children's learning?
- How does the school celebrate and recognize students' progress and achievement so that all students see themselves as valued members of the school community?
- Does the school teach about consent and bodily autonomy?
- Does the school teach and promote balance in relationships and friendships, and talk about the abuse of power and control?
- Does the school promote the use of respectful language?

## Meeting the Dignity Act Requirements

"In recognizing the humanity of our fellow beings, we pay ourselves the highest tribute."  
-Thurgood Marshall

Chancellor's Regulation A-832 sets forth the DOE's policy prohibiting student-to-student discrimination, harassment, intimidation and/or bullying and establishes procedures for preventing, reporting, investigating, and responding to such behavior.

The Regulation also requires that each principal designate at least one (1) Respect for All (RFA) liaison to whom reports of such behavior can be made and who serves as a resource for students and staff.

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 verbally report the alleged act to the RFA liaison(s) or to the principal/designee within one (1) school day and submit the [Complaint/Reporting Form](#) describing the incident to the RFA liaison or the principal/designee no later than two (2) school days after making the verbal report.

Chancellor's Regulation A-831 sets forth the DOE's policy prohibiting student-to-student sexual harassment and establishes procedures for preventing, reporting, investigating, and responding to such behavior.

The Regulation also requires that each principal designate at least one (1) Sexual Harassment Prevention (SHP) liaison to whom reports of such behavior can be made and who serves as a resource for students and staff.

Any staff member who witnesses student-to-student sexual harassment 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 verbally report the alleged act to the SHP liaison or to the principal/designee within one (1) school day and submit the [Complain/Reporting Form](#) describing the incident to the SHP liaison or the principal/designee no later than two (2) school days after making the verbal report.

Both Regulations set forth the following training and notification requirements for all RFA/SHP liaisons and for all staff, including non-instructional staff.

### Notification/Training

- A. Each school must conspicuously post “Respect for All” poster, with the name of the RFA liaison(s), and the “Check & Respect” posters, with the name of the SHP liaison(s), in locations deemed highly visible to students, parents<sup>1</sup> and staff.
- B. Each school must annually distribute or make electronically available the written material prepared by OSYD highlighting the policies and procedures set forth in these regulations, including the procedures for how to make a report, to all school staff, parents and students. Parents/students entering the school during the school year must receive this information upon enrollment.
- C. Each principal/designee must ensure that the name and contact information of the RFA liaison(s) and SHP liaison(s) are included on the school’s website and shared with students and parents at least once per year, including but not limited to through electronic communication or sending such information home with students.
- D. Each principal/designee must ensure that students have been provided with information and training on the policy and procedures in these regulations by October 31 of each school year.
- E. Each principal must ensure that all staff members, including non-instructional staff, are provided with training on the policy and procedures in these regulations by October 31 of each school year. Training for CR A-832 must address:
  - a. Raising awareness and sensitivity to potential acts of discrimination, harassment, intimidation, 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 identity, gender expression, sexual orientation, disability, or weight;
  - b. The identification and mitigation of discrimination, harassment, intimidation, and bullying;
  - c. The social patterns of discrimination, harassment, intimidation, and bullying;
  - d. Preventing and responding to incidents of discrimination, harassment, intimidation, and bullying;
  - e. Understanding the effects of discrimination, harassment, intimidation, and bullying and strategies for effectively addressing problems of exclusion, bias, and aggression

- in educational settings; and
- f. Promoting a safe and supportive school climate, including incorporating the concepts into classroom activities

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<sup>1</sup> The term "parent," whenever used in this document, 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 the student is an emancipated minor or has reached 18 years of age.

- F. Each principal must ensure that, in addition to the school training set forth above, at least one (1) RFA liaison completes the RFA mandated training developed by OSYD which addresses:
- i. human relations in the areas of race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, disability and weight, and the issues set forth above in a-f
- G. Each principal must ensure that at least one SHP liaison completes the SHP mandated training developed by OSYD.
- H. Each principal must also receive training by October 31 of each school year on identifying and preventing sexual harassment (including sexual violence), anti-discrimination policies and laws, grievance procedures, and resources available to the parties involved. Each principal must ensure that the individual designated to conduct investigations of allegations of student-to-student sexual harassment has also received such training by October 31 of each school year.
- In addition, a copy of these regulations must be made available to parents, school staff and students upon request.

## Training Resource for Instructional and Non-Instructional Staff

The Office of Safety and Youth Development (OSYD) has developed an updated training deck, [Respect for All: Making Schools Safe and Supportive for All Students](#) that schools must use to fulfill the requirement for training for all employees, including non-instructional staff described above. OSYD has also developed additional [training units that](#) are available as supplemental training.

Each school must retain in its files the agenda, signed attendance roster(s) and a copy of all training materials to document its annual staff training. Staff training must be completed by October 31 of each school year.

## Instructional Resources

Students must be provided with instruction that supports the development of a school environment free of harassment, bullying and/or discrimination including but not limited to instruction that raises awareness and sensitivity to harassment, bullying and/or 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; and instruction in the safe, responsible use of the internet and electronic communications; such instruction shall be provided as part of a component on civility, citizenship and character education in accordance with section 801-a of the Education Law.

The Office of Safety and Youth Development's [Respect For All](#) webpage provides free standards

based curriculum, including anti-bias curriculum and other instructional resources which are added to and updated on a regular basis. In addition, The Office of Safety and Youth Development offers training, as well as PowerPoint presentations on sexual harassment and bullying prevention for grades K-8 and 6-12.

Schools may fulfill the requirement for instruction that supports development of a school environment free of harassment, bullying and/or discrimination in various ways, including but not limited to:

- Implementation of regularly scheduled lessons that address bullying behavior and/or promote understanding of and respect for diversity in subject area classes and/or in advisory classes.
- Implementation of regularly scheduled lessons in the safe, responsible use of the internet and electronic communications in subject area classes and/or in advisory classes
- Inclusion of harassment, bullying and discrimination into subject class lessons as applicable to the subject area topic being addressed, For example:
  - in a health or science class dealing with blood transfusions, incorporating discussion about the impact of past racial segregation of blood transfusions.
  - in a health class including lessons on consent and bodily autonomy (Contact the Office of School Wellness Programs for recommended lessons)
  - in a health class including lessons on balance in friendships and relationships
  - in a participation in government class comparing and contrasting anti-miscegenation laws with formerly permissible state laws banning same sex marriage;
  - In an ELA class choosing age-appropriate literature in which a character is faced with discrimination and/or harassment based upon an identity characteristic or has to deal with the prejudicial beliefs of other characters. (e.g., in *Felita* by Nicolasa Mohr (grades 3-5) Felita faces verbal and physical harassment from the kids on her street when her Puerto Rican family moves to a new neighborhood; in *The Skin I'm In* (Grade 8 +) by Sharon Flake, seventh-grader Maleeka Madison is tormented by other students because of her dark skin; or a book that addresses the importance of accepting differences (*The Family Book* (PreK-2) by Todd Parr examines the impact of stereotypes, and *The Hundred Dresses* (grades 3-4) by Eleanor Estes (Wanda is the girl who lives with her father and brother in the part of town described as no place to live. She wears the same dress to school every day and has a last name unlike the other children in the class).
  - In an ELA class, choosing age-appropriate literature in which a character is faced with bullying behavior.
  - In a math class on creating charts and graphs, using pay rate data to examine the earning power of different groups of people, the possible reasons for such disparity and its impact; in a math class exploring set theory, using identity characteristics of the students in the class to explore the number/kind of sets represented by the multitude of ways in which students identify themselves; using Venn diagrams to illustrate the intersection of various identity sets.

In addition, the Dignity Act requires that the Department of Education annually report material incidents of discrimination, harassment, intimidation, and/or bullying to the New York State Education Department (SED). Any incident which is found to be a violation of Chancellor's Regulation A-832 and/or Chancellor's Regulation A-831 is a material incident and must be reported to the SED.

## Intimidation and/or Bullying) and Chancellor's Regulation A-831 (Student-to-Student Sexual Harassment)

### Additional Requirements and Changes Concerning Procedures for A-831 and A-832 Complaints

In connection with settlements of two federal court actions and Chancellor's Regulations A-832 and A-831, there are important additional requirements and procedures concerning the handling of A-832 Complaints and A-831 Complaints. Please review the following:

- Online Complaint Reporting System: Parents, students and other individuals (other than staff) can submit A-832 Complaints, as well as A-831 Complaints via the Online Complaint Reporting System (<https://www.nycenet.edu/bullyingreporting>).
- Complaints submitted via the Online Complaint Reporting System will automatically appear in the Bullying Incident Queue in the Online Occurrence Reporting System (OORS) for schools to investigate and document. To ensure the timely creation and investigation of reports addressing parent complaints, upon receipt of an email advising that a new complaint has been received, it is essential that the Bullying Incident Queue be accessed no later than the next school day in order to initiate the required reporting, parent notification and investigation.
- Notice of Complaints: Principals/designees must notify the parents/guardians of the alleged victim(s) and the accused student(s) within two (2) school days of receipt of a complaint, provided there are no safety concerns as discussed in CR A-832(II)(L) or CR-A-831(II)(L). Principals/designees must document in OORS the date the parents/guardians were notified or whether notice was not provided because of safety concerns.
- OORS Updates: In order to help principals/designees identify and respond to conduct that may involve discrimination, harassment, intimidation and/or bullying, including sexual harassment (i.e., potential violations of CR A-832 and/or A-831), principals/designees will be required to update OORS post-investigation by responding to additional questions for designated infractions involving incidents of interpersonal behavior between students. The list of infraction codes that are considered potential violations of CR A-832 and/or CR A-831 include 44 infraction codes.
- Within ten (10) school days of receipt of an A-832 Complaint or A-831 Complaint (or as soon as reasonably possible thereafter in the event of extenuating circumstances), principals/designees must complete the following steps:
  - Update OORS after conducting an investigation: Enter the following information into OORS: the investigative findings; a determination of whether the allegations have been substantiated; and a determination of whether the conduct constitutes a violation of CR A-832 and/or CR A-831 (a material incident).
  - Provide a Written Notice of Determination: Provide written notice to the parents of the alleged victim and the accused student as to whether any allegations are substantiated and whether the conduct constitutes a violation of CR A-832 and/or A-831 and advise the parents to contact the school to discuss the incident and any follow-up action and the availability of interventions and supports, if appropriate.
  - Document Interventions and Supports in SOHO Gateway: Document in SOHO Gateway,

via OORS, interventions and supports for victims, accused students, and witnesses, if appropriate, for all incidents that violate the discipline code (not only for material incidents). For material incidents, principals/designees also must document in SOHO Gateway the name and contact information for the school personnel responsible for providing the interventions and supports, or document in SOHO Gateway that no interventions and supports are warranted.

- **Extenuating Circumstances**: Principals/designees must document in OORS any extenuating circumstances that prevented the issuance of a timely Notice of Determination.
- **Escalation Staff Assistance**: Parents may continue to request escalation staff assistance from Family Support Coordinators to help coordinate the completion of an open investigation of an A-832 Complaint and/or A-831 Complaint (Pending Complaint) if:
  1. The parent alleges that they and/or the alleged victim in a Pending Complaint have/has been retaliated against for making a prior A-832 Complaint and/or A-831 Complaint (Prior Complaint) at the same school as the Pending Complaint.
  2. The alleged victim in the Pending Complaint has been the victim of two or more complaints in the same school year which were found to be material incidents
  3. The parent did not receive a Notice of Determination from the school within 10 school days of the school's receipt of the complaint.
  4. The parent of the victim, accused, and/or witness needs additional help accessing supports and interventions regarding an A-831 or A-832 Complaint reported to the school.
- **Monthly Monitoring/Report**: District Offices will continue to receive monthly reports regarding individual schools that are not complying with the requirements set forth in CR A-832 and CR A-831 and the Implementing RFA Guide. District Offices and the Office of Legal Services will work together to ensure compliance by all schools. District Offices can use the [Targeted Interventions and Supports for Monthly Monitoring Reports training deck](#) to support schools.
- **Public Reporting**: In November and March, DOE must post reports on the DOE public-facing website showing, among other data, compliance with required timelines and notifications regarding A-832 Complaints and A-831 Complaints.

**Reminders Reporting by School Staff**: Any staff member who witnesses student-to-student discrimination, harassment, intimidation and/or bullying, including sexual harassment, 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 verbally report the alleged act to the RFA or SHP liaison(s) or to the principal/designee within one (1) school day and submit the [Complaint Reporting Form](https://cdn-blobprd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491_6) (https://cdn-blobprd.azureedge.net/prd-pws/docs/default-source/default-document-library/a-832-reporting-form.pdf?sfvrsn=43ca4491\_6) (which has been revised) describing the incident to the RFA or SHP liaison or the principal/designee no later than two (2) school days after making the verbal report.

Students, parents, and other individuals, other than staff, may also report A-832 and A-831 Complaints using any of the following:

- verbally or in writing to the school's principal or designee, RFA liaison, SHP liaison, or other staff member, including by submitting the [Student and Parent Complaint/Reporting Form](https://www.schools.nyc.gov/docs/default-source/default-document-library/student-and-parent-complaint-reporting-form) (https://www.schools.nyc.gov/docs/default-source/default-document-library/student-and-parent-complaint-reporting-form)

- parent-complaint-reporting-form);
- [RespectForAll@schools.nyc.gov](https://www.schools.nyc.gov/respectforall);
- 718-935-2288 (Monday – Friday, 9am-5pm);
- United Federation of Teachers Hotline at 212-709-3222; and/or
- Title\_IX\_Inquiries@schools.nyc.gov (for sexual or gender-based complaints only)

**Individual Support Plans (ISP):** Schools must develop and implement an ISP for any student who is the victim of two (2) or more material incidents, or who has been found to have violated CR A-832 and/or CR A-831 two (2) or more times in the same school year. An ISP may be developed for other students as appropriate.

**Transfers:** Transfer requests due to alleged bullying, intimidation, harassment, and/or discrimination prohibited under Chancellor’s Regulation A-832, and/or sexual harassment prohibited under Chancellor’s Regulation A-831, must be approved and transfers must be expedited.

FWCs are required to follow up with the school to investigate such reports and should communicate as soon as possible to families about placement options. Schools and parents can find more information on the Transfers webpage (<https://www.schools.nyc.gov/enrollment/enrollment-help/transfers>).

### **Excerpts from CR A-832**

It is the policy of the DOE 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. Discrimination, harassment, intimidation, and bullying are prohibited in school, while on school property, during school hours, before or after school, at school-sponsored events, or while traveling in vehicles funded by the DOE. Such behavior is also prohibited off school property when it 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 who have engaged in behavior which violates CR A-832 will receive interventions, supports, and disciplinary responses, as appropriate, consistent with the Citywide Behavioral Expectations to Support Student Learning (“Discipline Code”) and Chancellor’s Regulation A-443.

### **Harassment, Intimidation and Bullying**

It is a violation of CR A-832 for any student to harass, intimidate or bully another student.

Harassment and bullying is the creation of a hostile school environment for another student by conduct or by threats, intimidation, or abuse, including cyberbullying, that:

1. have or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities, 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 their physical safety; or
  4. reasonably cause or would reasonably be expected to cause physical injury or emotional harm to a student.

Acts of harassment, intimidation and bullying include but are not limited to harassment, intimidation and/or bullying on account of actual or perceived race, ethnicity, color, creed, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, weight, or disability.

## **Discrimination**

It is also a violation of CR A-832 for any student to discriminate against another student on account of actual or perceived race, ethnicity, color, creed, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, weight, or disability.

## **Examples of Prohibited Behavior**

Discrimination, harassment, intimidation and/or bullying may take many forms and can be physical, non-verbal, verbal, or written. It may be a single incident or a series of related incidents.

Written conduct includes electronically transmitted communication 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.

Acts of discrimination, harassment, intimidation and/or bullying may include but are 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, including statements based on a student's actual or perceived race, ethnicity, color, creed, national origin, citizenship/immigration status, religion, religious practice, gender/sex, gender identity, gender expression, sexual orientation, weight, or disability;
- Written or graphic material, including graffiti, photographs, drawings, or videos, containing comments or stereotypes that are derogatory of others that are electronically circulated or are written or printed;
- Verbal or physical conduct that threatens another with harm;
- Hazing; and
- Deliberately using a name, mispronouncing a name or using a pronoun in a manner that discriminates, harasses, bullies, or intimidates based on a student's actual or perceived race, ethnicity, color, creed, national origin, citizenship/immigration status, religion, religious

practice, gender/sex, gender identity, gender expression, sexual orientation, weight, or disability.

## **Excerpts from A-831**

It is the policy of the New York City Department of Education (“DOE”) to maintain a safe and supportive learning and educational environment that is free from sexual harassment committed by students against other students. Such harassment 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 DOE or off 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.

This regulation requires the designation of a Sexual Harassment Prevention liaison, as defined below, trained on this regulation and who will receive reports of student-to-student sexual harassment. This regulation sets forth reporting, investigative, notification, and follow-up procedures for student-to-student sexual harassment.

Students who have engaged in behavior which violates this regulation will receive interventions, supports, and disciplinary responses, as appropriate consistent with the Citywide Behavioral Expectations to Support Student Learning (“Discipline Code”) and Chancellor’s Regulation A-443.

## **Sexual Harassment**

It is the policy of the DOE to maintain a safe and supportive learning and educational environment that is free from sexual harassment committed by students against other students. It is a violation of this regulation for a student to harass another student through unwelcome conduct or communication of a sexual nature which is sufficiently severe, pervasive, or persistent as to: (1) substantially interfere with a student’s ability to participate or benefit from an educational program, school-sponsored activity, or any other aspect of a student’s education; (2) create a hostile, offensive, or intimidating school environment; or (3) otherwise adversely affect a student’s educational opportunities.

Student-to-student sexual harassment is unwelcome conduct and/or communication of a sexual nature by a student directed against another student. Such behavior can constitute sexual harassment regardless of the gender, sexual orientation, gender identity, or gender expression of any of the students involved. Sexual harassment may be a single incident or a series of related incidents.

Student-to-student sexual harassment may take many forms. It may be verbal, non-verbal, physical, written, or electronically communicated. Electronically communicated harassment includes communications via information technology including, but not limited to: Internet, cell phone, email, personal digital assistant, wireless handheld device, social media, and blogs.

## **Examples of Prohibited Behavior**

Sexual harassment includes but is not limited to:

- pressure or requests for sexual activity or favors;
- engaging in sexually violent or coercive behavior (e.g., assault, rape) or forcing a person to perform a sexual act;
- engaging in physical conduct of a sexual nature such as touching an individual's body or clothes, patting, kissing, pinching, grabbing, or brushing up against another person;
- making sexual comments, innuendoes, remarks, insults, threats, teasing and/or jokes or asking unwelcome questions of a sexual nature;
- making graphic, verbal, or written comments about an individual's body;
- making obscene gestures;
- stalking another person, including through the use of technology;
- leering, sexual flirtations, or propositions;
- spreading lies or rumors of a sexual nature;
- recording, posting, displaying, and/or distributing, without permission, sexually oriented or suggestive images, videos, audio recordings, pictures, or drawings; and
  - threatening or engaging in physical, sexual, verbal and/or emotional abuse to harm, intimidate or control a current or former or potential dating partner (dating abuse).

## **RFA and SHP Liaisons**

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. Each principal must designate at least one staff member (hereinafter referred to as SHP liaison(s)) to whom reports of student-to-student sexual harassment can be made and who serves as a resource for students and staff on this issue.

The RFA and SHP Liaisons must be documented in the Consolidated Youth Development Plan and updated in the plan as outlined below.

There must be at least one RFA liaison and one SHP liaison in the school who has received the training at all times. In the event a RFA or SHP liaison vacates their appointment, the principal must ensure that a RFA or SHP liaison has been appointed and received training within 30 days. In the interim, the principal must immediately designate an interim RFA or SHP liaison.

In the event a RFA or SHP liaison is temporarily unable to perform their duties in the school for an extended period of time, and there is no other RFA or SHP liaison, the principal must designate another person to serve on an interim basis until the RFA or SHP liaison returns.

## **Criteria for Selecting RFA and SHP Liaisons**

Criteria for identifying a staff member to serve as an RFA Liaison may include, but is not limited to, prior training in areas such as human relations, cultural diversity, bullying prevention and intervention and/or conflict resolution, social emotional learning, and/or demonstrated expertise in any of these or related areas. Criteria for identifying a staff member to serve as an SHP Liaison may include, but is not limited to, in-depth prior training on student-to-student sexual harassment.

The staff member(s) designated as RFA and SHP Liaison(s) must be assigned to the school full time and available to students Monday - Friday and easily accessible to students. The RFA and SHP liaisons must each be a full-time administrator, supervisor, teacher, guidance counselor, school psychologist, or social worker at the school.

## **Posters and Brochures**

Each school must conspicuously post [“Respect for All”](#) and [“Check & Respect”](#) posters in locations deemed highly visible to students, parents, and staff. The posters must contain the name of the RFA liaison(s) or SHP liaison(s) as designated in the Consolidated Plan. The name of each school’s RFA Liaison and SHP Liaison is also listed on the individual school websites on the DOE’s website.

A copy of the “Respect for All” brochures, including the sexual harassment brochure, and information card must be distributed or made electronically available annually to parents and students. Parents/students entering the school during the school year must receive this information upon registration, (available at (<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all/respect-for-all-handouts>)) to all school staff, parents and students

## **Reporting by Students, Parents and other Individuals (other than staff)**

Schools must ensure that all students understand how A-832 and A-831 Complaints can be reported and that staff understand their responsibility to report potential incidents of student-to-student discrimination, harassment, intimidation and/or bullying.

Any student who believes that they have been the victim of such behavior should immediately report the incident to the RFA liaison(s), SHP liaison(s) or to any other school employee. Other students may also report such incidents, and such reports must be handled pursuant to the procedures in CR A-832 and A-831.

Students, parents, and individuals (other than staff) may make A-832 and A-831 Complaints via the [Online Complaint Reporting System](https://www.nycenet.edu/bullyingreporting) (<https://www.nycenet.edu/bullyingreporting>). A-832 and A-831 Complaints made via the Online Complaint Reporting System will automatically appear in OORS for processing by schools.

Students, parents, and other individuals may also report A-832 and A-831 Complaints by the following:

- verbally or in writing to the school’s principal or designee, RFA liaison, SHP liaison, or other staff member, including by submitting the [Student and Parent Complaint/Reporting Form](https://www.schools.nyc.gov/docs/default-source/default-document-library/student-and-parent-complaint-reporting-form) (<https://www.schools.nyc.gov/docs/default-source/default-document-library/student-and-parent-complaint-reporting-form>);
- [RespectForAll@schools.nyc.gov](mailto:RespectForAll@schools.nyc.gov);
- 718-935-2288 (Monday – Friday, 9am-5pm);

- United Federation of Teachers Hotline at 212-709-3222; and/or
- Title\_IX\_Inquiries@schools.nyc.gov (for sexual or gender-based complaints only)

If a student or parent has concerns about making a report to the school, the student/parent may contact OSYD by e-mailing the report to RespectforAll@schools.nyc.gov. Examples of circumstances where this might be appropriate include: if the student/parent is not sure the behavior is covered by the regulation; if the student/parent previously made a report and the behavior has continued; or if the student/parent is concerned about coming forward. In such circumstances, OSYD will determine the appropriate follow-up action consistent with this regulation.

### **Reporting Responsibility of All School Staff**

Any staff member who witnesses student-to-student discrimination, harassment, intimidation and/or bullying, including sexual harassment, 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 verbally report the alleged act to the RFA or SHP liaison(s) or to the principal/designee within one (1) school day and submit the Complaint/Reporting Form describing the incident to the RFA or SHP liaison or the principal/designee no later than two (2) school days after making the verbal report. All reports must be documented in the OORS within one school day of receipt of the complaint and updated upon completion of the investigation, but no later than 10 school days after receiving the complaint, absent extenuating circumstances.

Principal/designee must ensure that hard copies of the Complaint/Reporting forms are readily available to staff, as well as parents, students and other individuals.

When the RFA or SHP Liaison or any staff member receives an A-832 or A-831 Complaint, they must immediately notify the principal/designee.

**An employee who fails to make a report as set forth in Section II.C may be subject to discipline, which may include termination, mandatory training, and/or other appropriate follow up action.**

The principal/designee is responsible for investigating and taking appropriate follow-up action.

### **OORS Reporting Requirements and Updates**

A-832 and A-831 Complaints must be entered into OORS within one (1) school day of the school's receipt of an A-832 or A-831 complaint.

Schools are required to enter important information into OORS regarding student behavior required for Dignity Act reporting. This information will help schools track and address such inappropriate behavior in a timely manner. Please review [SCHOOL REQUIREMENTS IN REPORTING AND INVESTIGATING POTENTIAL MATERIAL INCIDENTS](#).

In order to help principals/designees identify and respond to conduct that may involve discrimination, harassment, intimidation and/or bullying, including sexual harassment (i.e., potential violations of CR A-832 or A-831), principals/designees will be required to respond to additional questions in OORS when updating a report post-investigation for infractions involving incidents of interpersonal behavior between students. There are 44 behavioral [infraction codes](#) that are considered potential violations of CR A-832 and/or CR A-831.

This information will assist in accurate coding of the incident, provide important data to inform prevention and intervention efforts and will be used to determine whether an incident may be a material incident. The charts that follow provide the questions that will appear in OORS for the [various infraction codes listed above](#). Additionally, OSYD has created a PDF [presentation](#) regarding the enhancements in OORS.

Reporting of occurrences is necessary to ensure that schools remain safe and orderly. [Chancellor's Regulation A-412\(Open external link\)](#) requires that principals/designees file an occurrence report for all school-related crimes and incidents, including incidents on school buses, within twenty-four hours, using the [Online Occurrence Reporting System \(OORS\)\(Open external link\)](#).

The Office of Safety and Youth Development has developed the following resources for schools:

- [Reporting Requirements related to Incidents and Suspensions in Schools \(Open external link\)](#)
- [OORS Resource Guide \(Open external link\)](#) – Safety and School Climate Reports
- [OSYD Portal Resource Guide \(Open external link\)](#)
- [Responding to Incidents with Multiple Allegations \(Open external link\)](#)
- [N Code Guidance](#)

Enter incident into OORS to create new report. Select category and infraction code that applies to the incident or allegation and answer all questions. Select the category and infraction code that applied to the incident or allegation and answer all questions to proceed (as shown below).

**Who responded to the occurrence?**

FDNY  
 EMS  
 External NYPD  
 School Safety Agent  
 School Staff only  
 Other


**Did this incident involve a SSA/NYPD Student Restraint or Arrest?**

Yes  
 No

**Please indicate a category**

(A) Discipline Code (Grades K-5)  
 (B) Discipline Code (Grades 6-12)  
 Accident (O01)  
 Medical Illness (N08)  
 External Incident (involving students) (N18)  
 Corporal punishment/verbal abuse allegation (O76)  
 Inappropriate behavior by a staff member (O75)

ACS - Child Abuse Allegation (O77)  
 Suicide \ Attempted Suicide \ Self Harm \ Suicide Ideation (O57)  
 Safety Related  
 Building condition  
 Weather Related  
 ACS Removal (O64)

 When this icon is displayed you must contact the Emergency Information Center (EIC) at 718.935.3210

B16 Lying to, giving false information to, and/or misleading school personnel  
 B17 Misusing property belonging to others  
 B18 Engaging in or causing disruptive behavior on the school bus  
 B19 Inappropriate use of electronic technology (e.g., unauthorized audio/video recording)  
 B20 Leaving class or school premises without permission of supervising school personnel  
 B21 Defying or disobeying the lawful authority or directive of school personnel or school safety agents in a way that  
 B22 Entering or attempting to enter a school building without authorization or through an unauthorized entrance.  
 B23 Using slurs based upon actual or perceived race, ethnicity, color, creed, national origin, citizenship/immigration  
 B24 Shoving, pushing, or engaging in a minor altercation or similar physical confrontational behavior towards students

**Are you reporting an incident where a student left the school premises without permission and is still missing?**

Yes  
 No

Upon completion of the investigation, please answer all the questions that apply on the Update tab (as shown below).

## Updates

Implementing RFA Guide

- Potential Material Incident (CR A-831 and/or CR A-832)  
 Group Supports and Interventions

### Potential Material Incident (CR A-831 and/or CR A-832)

\* Did the conduct occur through electronic communication?

Yes  No

\* Did the incident involve harassment, bullying, intimidation and/or sexual harassment?

Yes  No

\* Did the incident involve discrimination (biased based behavior) related to a victim's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, sexual orientation, gender, gender identity, gender expression, disability, weight?

Yes  No

Please determine if any follow up action is required for this incident and enter interventions and supports for the parties involved in OORS and disciplinary action in SOHO. An Individual Support Plan must be developed for any student who is the victim or accused in 2 or more incidents of behavior which violated Chancellor's Regulations A-831 and/or A-832 in one school year (including the current incident).

Victim(s)


Victim Identified

Accused

Accused Identified

**Please Note: You can enter Supports & Interventions for victims or accused by selecting each victim or accused identified.**

\*  I Verify above Victim And Accused information

\* Date Investigation Completed:  

### Written Notice Of Determination

The principal/designee must advise the parent(s)/guardian(s) of the alleged victim(s) and the parent(s)/guardian(s) of the accused student(s) in writing whether any allegations are substantiated and whether the conduct constitutes a violation of A-831 and/or A-832, and advise the parents to contact the school to discuss the incident and any follow-up action and the availability of interventions and supports, if appropriate.

Template Notices of Determination are available on the InfoHub.

\* [Click here](#) to confirm that the determination has been provided to the Parents/Guardians for each victim and accused.

### Post Investigation Updates

\* The information supplied by:

\* Please describe your findings of fact based upon the investigation.

Investigation description is up to 8000 characters long. Characters left: 8000

Behavior that violates CR A-831 also violates CR A-832. Therefore, OORS will prompt you to adjust the categorization of the outcome of the investigation in order to meet compliance with this policy (as shown below).



**Potential Material Incident (CR A-831 and/or CR A-832)**

\* Did the conduct occur through electronic communication?  
 Yes  No

\* Did the incident involve harassment, bullying, intimidation and/or sexual harassment?  
 Yes  No

\* Did the incident involve discrimination (biased based behavior) related to a victim's actual or perceived race, color, creed, ethnicity, national origin, citizenship/immigration status, religion, sexual orientation, gender, gender identity, gender expression, disability, weight?  
 Yes  No

It is a violation of Chancellor's Regulation A-832 if the conduct and/or verbal or written acts:

- Have or would have the effect of preventing or substantially interfering with a student's educational performance or ability to participate in or benefit from an educational program or activity.
- Have or would have the effect of preventing or substantially interfering with a student's mental, emotional, or physical well-being; or
- Reasonably cause or would reasonably be expected to cause harm to a student.

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 naming systems.

Behavior that violates CR A-831 also violates CR A-832. If this behavior violated CR A-831, please select "YES" to the question (above): Did the behavior violate Chancellor's Regulation A-832

OK

## Parent Notification of Receipt of A-832 or A-831 Complaint

Note: Prior to sharing information about an incident, complaint, investigation or outcome under CR A-832 or A-831 as described below, you must verify the identity of the person seeking such information to ensure that they are authorized to receive it (i.e., they are a parent or guardian).

The principal/designee must notify the parents of the alleged victim(s) and the accused student(s) immediately but no later than two school days after receipt of the complaint, provided there are no safety concerns as discussed in CR A-832(II)(L) and CR A-831(II) (L).

The principal/designee must document in OORS the date of each parental notification, or whether no notification was made because of safety concerns. If the alleged victim informs the principal/designee of safety concerns in regard to such notification, the principal/designee shall decide whether to inform the alleged victim's parent(s) following consideration of privacy and safety concerns. The principal/designee may consult with their Senior Field Counsel, and with the Title IX Coordinator or Title IX Liaison for gender-based conduct, in making this decision.

## Investigation

Schools must investigate all A-832 and A-831 Complaints. Schools have five (5) school days to conduct an investigation.

All parties and all witnesses must be interviewed separately, any investigative notes must be maintained, and the date of each interview must be documented. The principal/designee must take the specific investigative steps set forth below as soon as practicable, but no later than five (5) school days after receipt of the report:

1. interview the alleged victim;

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 them that if the conduct has occurred, it must cease immediately;
4. ask the accused student to prepare a written statement;
5. interview any witnesses and obtain their written statements; and
6. obtain any relevant evidence (e.g., image(s) or video surveillance or audio recordings). The principal/designee should refer to DOE guidance on how to deal with inappropriate cyber-content and consult with their Borough Safety Director and their Senior Field Counsel, if necessary.

If the principal/designee believes that the alleged conduct constitutes criminal activity, they must contact the police. The principal/designee may consult with their Senior Field Counsel and/or Borough Safety Director.

As detailed in your OORS training and OORS wiki: under Description of the Occurrence, describe the incident accurately and succinctly, with the names and titles of people involved (not “student A and student B”). Refrain from using vague terms such as “aggressive behavior,” “assault,” or “private parts.” Use direct quotes from the alleged victim and any other individuals interviewed at the time you enter the report (e.g., the accused, witnesses) and descriptive language, such as “[name of alleged student victim] alleges [name of accused] ‘grabbed my chest’ and ‘butt’ two times during last period on [date].”

It is also crucial that you follow the steps outlined in the OORS wiki to:

- select the “OORS Written Statement Forms,” click Download Written Statements, and follow the steps outlined in the OORS wiki to **upload completed statements to OORS**; and
- add a description of information learned during the investigation to Updates and reflect your final findings.

At the conclusion of the investigation, the principal/designee must review all the evidence and determine whether the allegations are substantiated by a preponderance of the evidence (i.e., whether based upon a review of all of the evidence, including the quality of the evidence and the credibility of the parties and witnesses, it is more likely than not that the alleged conduct occurred.)

If the allegations are substantiated, the principal/designee must also determine whether the conduct violates CR A-832 and/or A-831. In making this determination the principal/designee must evaluate the totality of the circumstances surrounding the conduct.

Regarding A-832, the principal/designee should consider a number of factors, which may include but are not limited to:

- 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 victim's education, including attendance, academic performance or participation in extracurricular activities;
- whether the conduct has affected the victim's behavior or social interactions in school;
- whether concerns have been expressed about the victim's safety; and
- whether the victim's mental, emotional or physical well-being have been impacted.

Regarding A-831, the principal/designee should consider a number of factors, which may include but are not limited to:

- the ages of the parties involved;
- the nature, severity and scope of the behavior;
- whether the conduct is sexual in nature;
- whether the conduct is offensive;
- whether the conduct is unwelcome;
- 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 victim's education, including attendance, academic performance, or participation in extracurricular activities;
- whether the conduct has affected the victim's behavior or social interactions in school;
- whether concerns have been expressed about the victim's safety; and
- whether the victim's mental, emotional, or physical well-being have been impacted.

### Updating OORS Post-Investigation

At the conclusion of the investigation, the principal/designee must enter the following information into OORS within **ten (10) school days** of receipt of the complaint (or as soon as reasonably possible thereafter in the event of an extenuating circumstances):

- the investigative findings;
- a determination of whether the allegations have been substantiated; and
- a determination of whether the conduct constitutes a violation of CR A-832 and/or A-831.

For A-831 complaints, a copy of the OORS report must be made available to the [Title IX Coordinator](#) and the [District's Student Services Manager](#).

### Notice of Determination

A written notice of determination must be provided **within 10 school days** of receipt of a complaint, absent extenuating circumstances to the parent(s) of the alleged victim and the parent(s) of the accused student. This notice must advise whether any allegations are substantiated and whether the conduct constitutes a violation of A-832 and/or A-831. If any of the allegations are substantiated, this notice must also advise the parents to contact the school to discuss the incident and any follow-up action and the availability of interventions and supports for their child, where

applicable. If a decision was made not to notify the parents of the alleged victim of the receipt of the complaint due to safety concerns as set forth in CR A-832 and CR A-831, such parents shall also not be advised of the notice of determination. The principal/designee must document in OORS the date of each parental notification, or whether no notification was made because of safety concerns.

If the alleged victim informs the principal/designee of safety concerns in regard to such notification, the principal/designee shall decide whether to inform the alleged victim's parent(s) following consideration of privacy and safety concerns. The principal/designee may consult with their Senior Field Counsel, and with the Title IX Coordinator or Title IX Liaison for gender-based conduct, in making this decision.

Schools must document in OORS any extenuating circumstance that prevented the school from issuing a timely Notice of Determination.

Extenuating circumstances are:

- Victim unavailable
- Suspect(s) unavailable
- Witness(es) unavailable
- Significant interruptions to the regular school schedule (e.g., school testing dates, or building evacuation or lockdown)
- Suspect does not attend same school as victim
- Police, OSI, SCI or other 3rd party investigation
- Complaint re-assigned from different school

Administrative convenience is not an extenuating circumstance.

### **Failure to Complete Investigation and Update OORS**

If a school DOES NOT update OORS based on its investigation within 10 school days of receipt of the complaint, the incident will be considered untimely. The CR A-832 and A-831 Incident Investigation Queue in OORS will be monitored. Daily reminder emails will be sent to the principal beginning on the fourth day after receipt of the complaint to ensure that the incident update is completed and entered into the system in a timely manner.

District Offices will receive monthly reports regarding schools that are out of compliance with CR A-832 and A-831 and the requirements set forth in this guide regarding the handling of A-832 and A-831 Complaints. District Offices will work with the Office of Legal Services to ensure compliance by all schools.

### **Interventions and Supports**

Within 10 school days of receipt of the complaint (absent extenuating circumstances), schools must document in SOHO Gateway, via OORS, interventions and supports, for victims, accused students, and witnesses, if appropriate, for all incidents that violate the discipline code (not only for material incidents).

For material incidents, schools must also document the name and contact information for the school personnel responsible for providing interventions and supports, or document in SOHO Office of Safety and Youth Development 2022-2023

Gateway, via OORS, that no supports and interventions are warranted.

Once the investigation is completed and a determination is made, as set forth in Section III, interventions and supports must be provided to the victim and the accused student, and witnesses, where appropriate. Such interventions and supports must be assessed on a case-by-case basis and must be monitored and modified, as appropriate.

Interventions and supports include but are not limited to the following:

- Referral to the school social worker, guidance counselor, psychologist, or other appropriate school staff, or referral to community-based agencies, for counseling, support, and/or education or mental health services.
- Academic supports and adjustments (e.g., change in classes, lunch/recess, or after-school program schedules);
- Development of an Individual Support Plan (ISP). An [ISP](#) contains interventions and supports for the victim and suspect, and provisions for designated school staff to consult with the victim or suspect and/or their parents, at specified times, to determine whether the discrimination, harassment, intimidation, and/or bullying has ceased (an ISP must be developed and implemented for a student who has been the victim of two or more substantiated violations of these regulations in the same school year and/or a student who has been found to have violated these regulations two or more times in the same school year)
- For any victim or accused who are students with a disability, where warranted, referral to the IEP Team. For information about when it may be appropriate to refer the case of a victim who is a student with a disability to the IEP team, please review the updated, school year 2022-23, [IEP Referral Guidelines](#).
- Referral to in-school or out-of-school medical services

The determination of what interventions and supports are provided should take into account whether the student has been the victim of one or more prior Material Incidents in the same school year.

During the school year 2021-2022, the Borough and Citywide Offices conducted [Root Cause Analysis](#) with schools who had students involved in multiple Material Incidents, meaning incidents where allegations of student-to-student sexual harassment violating Chancellor's Regulation [A-831](#), or student-to-student discrimination, harassment, intimidation, and/or bullying violating Chancellor's Regulation [A-832](#), are substantiated.

Please review and utilize this [checklist](#), which participating schools developed, to help reduce student involvement in Material Incidents.

Additional information about supports and interventions can be found in the Discipline Code. Neither mediation nor conflict resolution is under any circumstances an appropriate intervention for bullying or intimidation. (Also see CR A-101 and CR A-449 which set forth the policies and procedures for obtaining a transfer if a transfer is appropriate.)

## Central Team

A cross-functional Central Team led by the Office of Safety Youth and Development will continue to provide resources, best practices and other professional development, and coordinate the provision of targeted support to schools as needed.

## Required Annual Review of Chancellor’s Regulation A-832 and A-831

Each school must conduct a review of CR A-832 and A-831 with all staff, including non-instructional staff, and students by October 31 of each school year. For staff and non-instructional staff, schools must use the updated, school year 2021-22, [Respect For All: Making Schools Safe and Supportive for All Students](#) training deck. Each school must submit certification that students and staff members have been provided with information and training on the policy and procedures in the regulation in its annual Consolidated Youth Development Plan.

In addition to the school-based investigation, the DOE’s Office of Equal Opportunity & Diversity Management, through its Title IX Team (Title IX Coordinator and Title IX Liaisons), will also be separately investigating student-on-student behavior, which may constitute sexual harassment under Title IX, and will contact schools about the investigations. Schools must notify their Title IX Liaison as soon as they learn of A-831 and A-832 incidents that fall under certain [infraction codes](#) and the Title IX Liaison will determine whether they will conduct a Title IX investigation in addition to the school’s investigation.

## Review of CR A-832 with Staff Members

- Identifies for staff who the school’s RFA Liaison(s) are and clarifies the role of the RFA Liaison
- Raises the awareness and sensitivity of all staff members to potential acts of discrimination, harassment and bullying directed at students
- Addresses the identity categories named in the regulation (and the Discipline Code) and includes a review of key definitions – harassment, discrimination, and bullying
- Delineates the social patterns of harassment, bullying and discrimination, includes types of harassing and/or bullying behavior and addresses cyberbullying
- Addresses the role and responsibility of all school staff regarding reporting responsibilities
- Examines the impact of harassment/bullying on targets of the behavior and on students who engage in such behavior
- Focuses on the pivotal role that all staff members play in promoting a safe and supportive school culture and climate for all students, including strategies for effectively preventing and intervening in bias-based and/or bullying behavior
- Clearly delineates the relationship between promoting respect for diversity and creating and sustaining an inclusive school climate and culture in which all students and staff members feel safe and respected
- Includes the offices that will maintain a supply of brochures (in English and in languages applicable to the translation needs of students and their families) for students who are enrolled after the beginning of the school year and/or for any student, family or staff member who requests an additional copy

## Review of CR A-832 with Students ([K-5 training deck](#) and [6-12 training deck](#))

- Clarifies for students who the school's RFA Liaison(s) are.
- Clearly delineates the relationship between promoting positive interpersonal and intergroup relations and respect for diversity and creating and sustaining an inclusive school climate and culture in which all students and staff members feel safe and respected. Clarifies that each school must annually distribute or make electronically available the written material prepared by OSYD highlighting the policies and procedures set forth in regulation A- 832, including the procedures for how to make a report, (available at (<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all/respect-forall-handouts>) to all students.
- Addresses, in an age-appropriate manner, the identity categories named in CR A-832 and the [Discipline Code](#)
- Focuses on the right of all students to be in a safe and supportive learning environment free from discrimination, intimidation, harassment and bullying and to file a complaint if they feel that they are subject to this behavior or witness or learn of such behavior by reporting the incident verbally or in writing to the RFA liaison or to any school staff member, emailing [RespectforAll@schools.nyc.gov](mailto:RespectforAll@schools.nyc.gov), [filing a complaint online](#), submit [Student and Parent Complaint/Reporting Form](#) or call 718-935-2288 (Monday – Friday, 9am – 5pm)
- (See [Bill of Student Rights and Responsibilities](#), K-12 at the beginning of the Citywide Standards of Intervention and Discipline Measures).
- Focuses on the responsibility of each student to respect the dignity and equality of others and refrain from conduct, which denies or impinges on the rights of others as delineated in the Student Responsibilities Section (see Bill of Student Rights and Responsibilities, K-12 at the beginning of the Citywide Standards of Intervention and Discipline Measures).
- Includes the offices that will maintain a supply of brochures (in English and in languages applicable to the translation needs of students and their families) for students who are enrolled after the beginning of the school year and/or for any student, family or staff member who requests an additional copy.

## Review of CR A-831 with Staff

- Identifies for staff who the school's SHP Liaison(s) are and clarifies the role of the SHP Liaison
- clearly delineates the relationship between promoting respectful peer-to-peer relationships and creating and sustaining an inclusive school culture and climate in which all students and staff members feel safe and respected
- addresses the definition of sexual harassment and the various forms such behavior may take
- focuses on the pivotal role that all staff members play in promoting respectful peer-to-peer relationship behavior and preventing and intervening in sexual harassing behavior.
- includes the offices that will maintain a supply of brochures (in English and in languages applicable to the translation needs of students and their families) for students who are enrolled after the beginning of the school year and/or for any student, family or staff member who requests an additional copy
- reviews the reporting responsibility of all staff members

## Review of CR A-831 with Students

- Clarifies for students who the school's SHP Liaison(s) are.
- Clarifies that each school must annually distribute or make electronically available the written material prepared by OSYD highlighting the policies and procedures set forth in regulation A-831, including the procedures for how to make a report, (available at (<https://www.schools.nyc.gov/school-life/policies-for-all/respect-for-all/respect-forall-handouts>) to all students. Clarifies for students that they may report an incident to any school staff member, email [RespectforAll@schools.nyc.gov](mailto:RespectforAll@schools.nyc.gov), [file a complaint online](#), submit [Student and Parent Complaint/Reporting Form](#) or call 718-935-2288 (Monday – Friday, 9am – 5pm)
- clearly delineates the relationship between promoting respectful peer-to-peer relationships and creating and sustaining an inclusive school culture and climate in which all students and staff members feel safe and respected
- focuses on the pivotal role that all staff members play in promoting respectful peer-to-peer relationship behavior and preventing and intervening in sexual harassing behavior.
- addresses the definition of sexual harassment and the various forms such behavior may take
- focuses on the right of all students to be in a safe and supportive learning environment free from sexual harassment and file a complaint if they feel that they are subject to this behavior or witness or learn of such behavior by reporting the incident verbally or in writing to the SHP or any school staff member, emailing [RespectforAll@schools.nyc.gov](mailto:RespectforAll@schools.nyc.gov), [filing a complaint online](#), or call 718-935-2288 (Monday – Friday, 9am – 5pm)
- (See Bill of Student Rights and Responsibilities, K-12 in the Citywide Standards of Intervention and Discipline Measures)
- focuses on the responsibility of each student to respect the dignity and equality of others and refrain from conduct which denies or impinges on the rights of others as delineated in the Student Responsibilities Section (see Bill of Student Rights and Responsibilities, K-12 in the Citywide Behavioral Expectations to Support Student Learning)
- clarifies for students that other students may also report such incidents to the designated staff member or to any other employee and such reports must be handled pursuant to the procedures in this Regulation

## Plans to Prevent and Address Harassment

CR A-832 requires each school to submit a plan for preventing and addressing student-to-student discrimination, harassment, intimidation and/or bullying in its annual Consolidated Youth Development Plan by October 31. (Please see section on guidance related to the updated Respect For All Plan as part of the Consolidated Youth Development Plan.) The Consolidated Youth Development Plan also requires each school to submit a plan for preventing and addressing student-to-student sexual harassment by October 31.

## Other Chancellor's Regulations

Chancellor's Regulation A-830 (Anti-Discrimination Policy and Procedures for Filing Internal Complaints of Discrimination)



It is the policy of the DOE to provide equal educational opportunities, including ensuring that all students are provided access to DOE programs, services, activities, and facilities, in accordance with applicable laws and regulations and without regard to actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship status, disability, sexual orientation, gender, or weight. The definitions of terms and protected classifications are located in Section IX (Definitions).

It is also the policy of the DOE to maintain an educational environment free of harassment on the basis of any of the above protected classifications, including sexual harassment. It is a violation of this regulation for any DOE employee to discriminate against or create a hostile school environment for a student by conduct, whether on school property/DOE facilities, during a DOE program or activity, including online learning/working, on the basis of any of the above-noted grounds, including sexual harassment (as defined in Section IX), where such conduct: (1) has or would have the effect of unreasonably and substantially interfering 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 (2) has or would have the effect of unreasonably and substantially interfering with a student's mental, emotional or physical well-being; or (3) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or (4) reasonably causes or would be expected to cause physical injury or emotional harm to a student. It is also a violation of this regulation for any DOE employee to engage in the conduct noted above off school property/DOE facilities when such conduct disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably endanger the health, safety, morals, or welfare of the school community.

Such conduct may include but is not limited to: denial of access to restrooms, changing rooms, locker rooms, and/or field trips on the basis of the above-noted protected classifications; enforcement of a dress code, specific grooming or appearance standards in a manner that discriminates against a student on any of the above noted protected classifications; or the use of name(s) or pronoun(s) or pronunciation of name(s) in a manner that discriminates against a student on any of the above-noted protected classifications (e.g., deliberately using a pronoun that is not consistent with the student's gender identity asserted in school).

When a complaint is filed with DOE's Office of Equal Opportunity and Diversity Management (OEO) alleging conduct prohibited by Section I.A or Section 1.B, OEO shall notify the principal and/or supervisor who shall determine whether supports and/or interventions for the parties and witnesses are appropriate and ensure that such supports and/or interventions are documented for students. Interim interventions and supports could include, but are not limited to, guidance interventions, counseling, change in class schedule, referral to community-based agencies for counseling, support, and/or education or mental health services.

**Refer to [A-830](#) for details on Reporting, Investigation, and Parent Notification.**

### **Summary of Prohibited Discrimination by DOE Staff against Students**

Appendix B of this document provides guidance to assist people in avoiding discriminatory practices but is not, however, exhaustive. Please refer to the Appendix for a summary of prohibited discrimination by DOE staff against students.

## Sexual Harassment of Students

Sexual Harassment of Students: Sexual conduct between a DOE employee or individual working with students and a student can never be considered welcome or appropriate. Sexual harassment of a student prohibited by Section I.B of this regulation includes situations where:

1. submission to such conduct is a condition of the student's advancement or obtaining an education;
2. submission to or rejection of such conduct by a student is used as a basis for evaluating or grading a student or as a factor in decisions affecting the student's education; or
3. such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive educational environment.

For information on sexual harassment of students by students, please refer to Chancellor's Regulation A-831 (Student-to-Student Sexual Harassment, <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-831-10-23-2019-final-remediated-wcag2-0>).

### Chancellor's Regulation A-420 (Pupil Behavior and Discipline – Corporal Punishment)

It is the policy of the Department of Education (DOE) to prohibit corporal punishment of students by DOE staff members, custodial workers, vendors, consultants, CBO staff and similar individuals on school property, on school trips and at other school-related functions off school property.

Corporal punishment is defined as any act of physical force upon a pupil for the purpose of punishing that pupil. Corporal punishment does not include the use of reasonable physical force for any of the following purposes:

- To protect oneself from physical injury;
- To protect another pupil or teacher or any other person from physical injury (e.g., breaking up a physical altercation without using excessive force);
- To protect the property of the school or of others; or
- To restrain or remove a pupil whose behavior is interfering with the orderly exercise and performance of school district functions, powers, or duties if the pupil refuses to comply with a request to refrain from further disruptive acts, and alternative procedures and methods that do not involve the use of physical force cannot reasonably be employed to achieve the purposes set forth above.

Disruptive behavior by a student must never be punished by the use of corporal punishment. Schools should address a student's disruptive behavior through offering guidance intervention, working with parents, and addressing behavior in accordance with Chancellor's Regulation A-443 and the DOE's Discipline Code. (For Behavioral Crisis De-Escalation/Intervention and contacting 911, see Chancellor's Regulation A-411.)

Any employee who violates any provision of this regulation will be subject to appropriate disciplinary action.

### Notification to Staff

The principal/designee must ensure that all members of the staff, including non-instructional staff, are informed of the DOE's policy and rules with respect to corporal punishment. At a minimum, the principal/designee must:

- review the importance of CR A-420 with all staff, distribute a copy of this regulation to every staff member, and have every staff member sign an acknowledgement of its receipt at the beginning of each school year;
- review the importance of CR A-420 with every staff member who comes to the school after the beginning of the school year, provide him/her with a copy of this regulation, and have the staff member sign an acknowledgment of its receipt; and
- redistribute and/or provide technical assistance regarding this regulation as needed during the school year.

## **Reporting an Allegation of Corporal Punishment**

### **Staff Member and Principal/Designee Obligations**

Any staff member who witnesses corporal punishment, who has knowledge or information about or who receives a report about a student who may have been the victim of corporal punishment is required to orally report the allegation to the principal/designee within one school day and must also complete a witness statement within two school days. The principal/designee bears the obligation of obtaining this witness statement from the reporting staff member using the form found in the DOE's Online Occurrence Reporting System (OORS) and entering the statement into OORS, within one school day of learning of the allegation.

However, if the allegation of corporal punishment is against the principal, the staff member must make a report of corporal punishment directly to the Office of Special Investigations (OSI) using [OSI's online reporting system at https://www.nycenet.edu/offices/osi/CPR\\_Form/form.aspx](https://www.nycenet.edu/offices/osi/CPR_Form/form.aspx)

Once the case is closed, OSI, or in the case of an SBI, the principal/designee, must inform the parent of the alleged victim whether the allegation was substantiated or not substantiated. The principal/designee shall determine whether interventions and supports should be provided to the student, and where warranted, provide the parent with the opportunity to discuss such interventions and supports.

### **Chancellor's Regulation A-421 (Verbal Abuse)**

It is the policy of the Department of Education (DOE) to prohibit verbal abuse of students by DOE staff members, custodial workers, vendors, consultants, CBO staff and similar individuals on school property, on school trips and at other school-related functions off-school property.

Disruptive behavior by a student must never be punished by use of verbal abuse. Schools should address a student's disruptive behavior through offering guidance intervention, working with parents, and addressing behavior in accordance with Chancellor's Regulation A-443 and the DOE's Discipline Code. Employees who violate this regulation will be subject to appropriate disciplinary

action. (For Behavioral Crisis De-Escalation/Intervention and contacting 911, see Chancellor's Regulation A-411.)

Verbal abuse is defined as language (written or oral) about or directed toward students that:

- belittles, embarrasses or subjects students to ridicule; or
- has 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
- has or would have the effect of unreasonably and substantially interfering with a student's mental, emotional, or physical well-being; or
- reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or
- reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student.

Verbal statements by DOE staff members, custodial workers, vendors, consultants, CBO staff and similar individuals directed to or about students that are discriminatory based on race, ethnicity, color, national origin, alienage, citizenship status, age, religion, creed, gender (sex), sexual orientation, weight, or disability will be investigated under the procedures of Chancellor's Regulation A-830. Schools should refer any such complaints to the DOE's Office of Equal Opportunity & Diversity Management.

### **Notification to Staff**

The principal/designee must ensure that all members of the staff, including non-instructional staff, are informed of the DOE's policy and rules with respect to verbal abuse. At a minimum, the principal/designee must:

- review the importance of CR A-421 with all staff, distribute a copy of this regulation to every staff member at the beginning of the school year, and have every staff member sign an acknowledgment of its receipt at the beginning of each school year;
- review the importance of CR A-421 with every staff member who comes to the school after the beginning of the school year, provide him/her with a copy of this regulation, and have the staff member sign an acknowledgment of its receipt; and redistribute and/or provide technical assistance regarding this regulation, as needed, during the school year; and
- redistribute CR A-421 and/or provide technical assistance regarding CR A-421 as needed during the school year,

### **Reporting an Allegation of Verbal Abuse**

#### **Staff Member Obligations**

Any staff member who witnesses verbal abuse, who has knowledge or information about or who receives a report about a student who may have been the victim of verbal abuse is required to orally report the allegation to the principal/designee within one school day and must also complete a witness statement within two school days. The principal/designee bears the obligation of obtaining this

witness statement from the reporting staff member using the form found in the DOE's Online Occurrence Reporting System (OORS) and entering the statement into OORS, within two school days of learning of the allegation.

However, if the allegation of verbal abuse is against the principal, the staff member must make a report of verbal abuse directly to the Office of Special Investigations (OSI) using [OSI's online reporting system at https://www.nycenet.edu/offices/osi/CPR\\_Form/form.aspx](https://www.nycenet.edu/offices/osi/CPR_Form/form.aspx)

Once the case is closed, OSI, or in the case of an SBI, the principal/designee, must inform the parent of the alleged victim whether the allegation was substantiated or not substantiated. The principal/designee shall determine whether interventions and supports should be provided to the student, and where warranted, provide the parent with the opportunity to discuss such interventions and supports.

## The Citywide Behavioral Expectations to Support Student Learning (The Discipline Code)

Safe, supportive school environments depend on students, staff and parents demonstrating mutual respect. To that end, all members of the school community — students, staff and parents must know and understand the standards of behavior which all students are expected to live up to and the consequences if these standards are not met.

The standards set forth in the [Citywide Behavioral Expectations to Support Student Learning \(Discipline Code\)](#) apply to behavior:

- in school during school hours,
- before and after school, while on school property,
- while traveling on vehicles funded by the Department of Education,
- at all school-sponsored events and
- on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community. When misbehavior involves communication, gestures or expressive behavior, the infraction applies to oral, written or electronic communications, including but not limited to texting, e-mailing, and social networking.

Included in the Discipline Code is the [Student Bill of Rights and Responsibilities](#) that promotes responsible student behavior and an atmosphere of dignity and respect by establishing guidelines to help students as they strive to become productive citizens in a diverse society.

[Lessons on the Discipline Code](#), including Respect For All lessons for grades 6-8 and grades 9-12 that help students understand the [Student Bill of Rights and Responsibilities](#), are available online on the [InfoHub](#).

### Review of the Discipline Code

At the beginning of each school year, school officials are responsible for sharing the information contained in the Citywide Behavioral Expectations to Support Student Learning with students, staff and parents.

## Expectations

- Staff and students understand that cyberbullying (electronic aggression) includes any type of harassment or bullying (teasing, telling lies, making fun of someone, making rude or mean comments, spreading rumors or making threatening or aggressive comments) that occurs through email, a chat room, instant messaging, a website (including blogs) or text messaging.
- Staff and students know that the Discipline Code addresses harassment, discrimination and/or bullying, including sexual harassment, for students in grades K-5 and in grades 6-12 at Levels 2, 3,4 and Level 5. Below are some examples:

Level 3: **A23/B23**: Using slurs based upon actual or perceived race, ethnicity, color, national origin, citizenship/immigration status, weight, religion, gender, gender identity, gender expression, sexual orientation, or disability

Level 4: **A36/B39**: Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying); such behavior includes, but is not limited, to: physical violence; stalking; verbal, written, 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.

**A37/B40** Engaging in harassing, intimidating and/or bullying behavior, including using electronic communication to engage in such behavior (cyber-bullying) based on an individual's actual or perceived race, color, creed, religion, religious practices, ethnicity, national origin, citizenship/immigration status, gender, gender identity, gender expression, sexual orientation, disability or weight; such behavior includes, but is not limited to: physical violence; stalking; verbal, written, 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

**B56** Engaging in physical sexual aggression/compelling or forcing another to engage in sexual activity

- Staff and students know that the standards set forth in the Discipline Code apply to behavior:
  - in school during school hours,
  - before and after school, while on school property,
  - while traveling on vehicles funded by the Department of Education, x at all school-sponsored events and
  - on other-than-school property when such behavior can be demonstrated to negatively affect the educational process or to endanger the health, safety, morals, or welfare of the school community.

When misbehavior involves communication, gestures or expressive behavior, the infraction applies to oral, written or electronic communications, including but not limited to texting, e-mailing, and social networking.

## Inclusive Instructional Methods

Essential to creating an inclusive school environment in which all students feel valued and respected are inclusive instructional and counseling methods.

Culture has been defined by Geert Hofstede as “the collective programming of the mind which distinguishes the members of one group of people from another. It ...refers to the total way of life for a particular group of people. It includes [what] a group of people thinks, says, does and makes-its customs, language, material artifacts and shared systems of attitudes and feelings.” (Robert Kohls)

In 1976, Edward Hall (*Beyond Culture*) developed the iceberg model of culture. Like an iceberg, most of culture is not visible. What we see of culture above the water line is the “tip of the iceberg.” The major portion of culture is hidden beneath the surface. Depending on how a particular individual presents himself or herself, some aspects of culture may rise above the surface or be partially submerged.

### **The Iceberg Model of Culture**

#### **Surface/Visible**

*skin color, age, physical characteristics, body size, clothing, behaviors, religious rituals, gender expression, artistic expression (art, music, drama, crafts, Culture literature), holiday customs, celebrations, games, food, artifacts, etc.*

#### **Water Line**

#### **Invisible Culture**

*religious beliefs, socio-economic status, ethnicity, sexual orientation, gender identity, national origin, family status, values, citizenship status, sense of time, beliefs, language(s), life experiences, educational level, roles, learning style, family history, communication style, political views, attitudes, work ethic, taboos, symbols, conception of self, relationship to the group, language(s), talents, skills, hidden disability, body language, use of gestures, eye contact, sense of personal space, tone of voice, facial expressions, concept of beauty, social mobility, concept of justice, ideas/beliefs about health and mental health, world view, relationship to the natural world, etc.*

Recognizing that much of our individual diversity and the way in which each of us identifies ourselves is not readily apparent, reminds us of the importance of mindfulness in our professional practice, especially when we consider the wealth of cultural diversity our students bring to our schools.

Include Pedagogy

Effective pedagogy requires regular and rigorous examination of curriculum and pedagogical practice. In its description of students who are college and career ready in reading, writing, speaking, listening, and language, the **ELA Common Core Standards states**:

“Students appreciate that the twenty-first-century classroom and workplace are settings in which people from often widely divergent cultures and who represent **diverse experiences and perspectives must learn and work together**. Students **actively seek to understand other perspectives and cultures** through reading and listening, and they are able to communicate effectively with **people of varied backgrounds**. They evaluate other points of view critically and constructively.”

In *Enhancing Professional Practice- A Framework for Teaching*, writing about **equity** Charlotte Danielson states:

“Implicit in the entire framework, particularly in those domains relating to interaction with students (Domains 2 and 3) is a commitment to equity. In an environment of respect and rapport, all students feel valued. When students are engaged in a discussion of a concept, all students are invited and encouraged to participate. When feedback is provided to students on their learning, it is provided to all students.... A commitment to excellence is not complete without a commitment to equity.”

Danielson also addresses the issue of **cultural competence**:

“Students may arrive at school with traditions that are different from or in conflict with those of many US classrooms... Teachers who are sensitive to the cultures of their students pay particular attention to Component 1b (Demonstrating Knowledge of Students). In learning about students’ backgrounds, these teachers ensure that they are aware of relevant information about cultural traditions, religious practices, and patterns of interaction that may affect a student’s classroom participation. In addition, the teachers ensure that the materials they use (Components 1e and 3c) and the examples they employ (Components 3a and 3c) do not refer to items or traditions unfamiliar to students, or that they explain such materials and examples fully. And they take particular care that in their communication with families (Component 4c), they demonstrate cultural respect. ...

Cultural competence extends far beyond awareness... By the time they enter school, children will have absorbed from their communities a sense of the world and their place in it. Schools have an obligation to help students recognize that in a democracy, no one, and no cultural group, is marginalized (Irvine, 1990)”

Some Guiding Questions to Consider Regarding Inclusive Curriculum and Pedagogical Practice

- Are textbooks and other instructional materials reviewed to ensure that content is inclusive and does not reinforce negative attitudes or stereotypes?
- Do students have direct access to an assortment of resource materials in the school library or learning center that provides accurate information on the histories and cultures of various diverse groups of people?



- How well are supplementary curricular materials, including primary sources, used to provide students with multiple perspectives on content?
- How well does content validate students' identity? Do students routinely "see themselves" in curriculum across the subject areas?
- How well are the perspective, experience and accomplishments of traditionally underrepresented groups woven into the content of individual lessons and into the context of the curriculum as a whole? How regularly do students "see themselves" in lessons?
- Are students regularly provided with different points of view and opportunities to examine issues through different lenses?
- How are multiple/varied instructional strategies used to support students' learning styles?
- How effectively are the social dynamics in a class managed to ensure that all voices are heard and no individual student or group of students is marginalized? Do all students get sufficient "wait time" when a question is asked?
- Are students routinely asked to work in shifting dyads, triads or small groups to ensure that all students regularly work with one another?
- How well and how often are students engaged in examining the impact of stereotyping, prejudice and/or harassment, including marginalization or isolation, on the individual and/or on society as a whole?
- How well do lessons engage students in critical thinking about concepts such as respect, social justice and/or equity?
- When a student or students in a classroom engages in inappropriate behavior and/or uses slurs toward a classmate based on one or more identity characteristics, how effectively is such an incident turned into a "teachable moment" to prevent a future reoccurrence of such behavior?

Examples of inclusive lessons include:

- A science unit on natural resources in which students consider how people from different cultures believe resources are to be used and/or safeguarded.
- In social studies, students learn about WWII from multiple perspectives: such as women who were engaged in the war effort or Japanese-American families who were placed in internment camps.
- In studying the civil rights movement, students learn about the contributions of Bayard Rustin, a gay man who was an advisor to Martin Luther King, Jr. and the chief organizer of the 1963 March on Washington.
- In ELA, students read two pieces of literature and/or a piece of literature and one or more primary sources focused on the same time period and addressing the same social issue(s) from two or more different points of view.

To assist teachers, the SED has posted a Dignity Act Lesson Plan Template and the NYC DOE has shared Diversity & Inclusion training resources.

## Inclusive School Counseling

Inclusive school counseling is integral to ensuring that all students in a school community feel **and are valued** and respected. The U.S. Department of Education's Office of Civil Rights prepared **The Guidance Counselor's Role in Ensuring Equal Educational Opportunity**, which while focusing Office of Safety and Youth Development 2022-2023

on the role of the secondary school counselor, has important implications for all school counselors including those who serve the elementary grades.

The following guidance has been **adapted** from,  
<http://www2.ed.gov/about/offices/list/ocr/docs/hq43ef.html>

## Critical Role of the Counselor

The counselor fulfills a number of roles, all important and potentially critical in affecting a student's future. These roles relate in a major way to academic preparation and planning but they also extend to mental health, interpersonal relations, social adjustment, career planning, and work adjustment. In performing these varied roles, the professional commitment of the counselor is directed at promoting the fullest development of each individual.

The school counselor must ensure that no student is directed or urged to enroll in a particular program or pursue a particular career based on one or more identity characteristics. Nor should one or more identity characteristics be used to measure or predict a student's prospects for success in school, post-secondary education or a particular career path. Counseling materials and activities (including student program selection and decisions regarding college choice and post-secondary career/employment selection) must be bias-free.

This means that a counselor needs to have an understanding of how to recognize discrimination and other barriers to equal educational opportunity before they can take the appropriate steps to address any barriers that may exist for particular groups of students in order to enable all students to develop to their fullest.

Keeping abreast of current research and resources and participating in professional development opportunities that address issues such as bias and discrimination, respect for diversity and the needs of particular groups of students should be part of the professional practice of each school counselor. Counselors are urged to access the resources on the [Respect For All webpage](#).

### **Establishing Bias-Free Materials**

It is important that counselors and teachers work together to review college and career readiness materials and other curricular documents to identify and eliminate subtle and overt bias. Equally important is the collaboration of counselors and teachers with the school librarian so that library materials promote respect for diversity and do not perpetuate stereotypes.

### **College and Career Counseling**

As part of their professional practice, counselors need to be current about the dynamics of the labor force, including the most recent occupational outlook data and emerging opportunities in new fields. Disseminating this information to students so they can consider a broad range of options is a significant component of ensuring that students are college and career ready. As part of college and career counseling, cultivating or stimulating greater interest in academic areas and careers in which some groups of students are currently underrepresented is an important role that counselors can play.

Many colleges and universities have created specialized services and/or support programs to meet

the needs of specific groups of students. Counselors play a vital role in ensuring that students are aware of such programs and that they are also aware of targeted scholarship opportunities to which students can apply.

Counselors also play a pivotal role in accessing the resources of the business community. Career days, exploratory experiences, business sponsored "shadowing" programs that allows students to "shadow" workers on the job encourage students to explore nontraditional occupations. Some businesses participate in summer internship programs that combine high school credit with employment. These programs also encourage students' further educational attainment in their linking academic preparation with job requirements. While such programs are normally open to all students, counselors can take special measures to ensure the participation of specific population groups.

## **Parent Outreach**

School counselors who build collaborative partnerships with parents can assist parents in: actively supporting their children's K-12 learning experience; broadening post- secondary education options and career exploration; and expanding college and career planning for their children. Providing parents with career development seminars, guidebooks, role-playing opportunities, community resources and parent support systems are some ways in which counselors can strengthen partnerships with parents. Counselors can also help with scheduling adult education classes and providing presentations at PTA meetings to examine the issue of stereotyping and its effects on students.

A critical issue for many students is financial aid. School counseling programs that provide financial aid workshops for students and parents need to ensure that written communication and parent financial aid workshops include translation of key documents and translation services for parents whose first language is not English.

"In the end, we will remember not the words of our enemies, but the silence of our friends." -Martin Luther King, Jr.

## **Creating an Inclusive School Community: Sensitivity to the Experience of Specific Student Populations**

Every student deserves to learn in a safe and supportive school. Unfortunately, both experience and research has shown that some groups of students are more vulnerable to discrimination and harassment, including bullying behavior, and so it is incumbent upon school staff to be especially vigilant regarding their welfare and safety.

## **Children with Special Needs**

If school staff believe that follow-up action to an incident warrants revision of the student's

Individualized Education Program (IEP) or Section 504 Plan, they should follow the appropriate procedures as outlined in Chancellor's Regulation A-710 (<https://www.schools.nyc.gov/docs/default-source/default-document-library/a710> ) and the Special Education Standard Operating Procedures Manual (SOPM, <https://infohub.nyced.org/working-with-the-doe/special-education-providers/standard-operating-procedures-manual> )

A growing body of research indicates that children with special needs are at an increased risk of being bullied.

Where an alleged victim or suspect of bullying is a student with a disability, review the [guidelines](#) for determining when it is appropriate to refer the incident to the student's IEP subcommittee team for re-evaluation.

Bullying Among Children and Youth with Disabilities and Special Needs, a fact sheet from the US Department of Health and Human Services [www.stopbullying.gov](http://www.stopbullying.gov) provides the following insights into the vulnerability of these children:

- Available information indicates that children with LD are at greater risk of being teased and physically bullied (Martlew & Hodson, 1991; Mishna, 2003; Nabuzoka & Smith, 1993; Thompson, Whitney, & Smith, 1994).
- Children with Attention Deficit Hyperactivity Disorder (ADHD) are more likely than other children to be bullied. They also are somewhat more likely than others to bully their peers (Unnever & Cornell, 2003).
- Children with medical conditions that affect their appearance (e.g., cerebral palsy, muscular dystrophy, and spina bifida) are more likely to be victimized by peers. Frequently, these children report being called names related to their disability (Dawkins, 1996).

*Walk A Mile In Their Shoes: Bullying and the Child with Special Needs* is a report and guide compiled by AbilityPath.org, to address the issue of children with special needs being targets of harassing behavior: The report and guide includes the following research findings:

- Researchers have discovered that students with disabilities were more worried about school safety and being injured or harassed by peers, compared to students without a disability (Saylor & Leach, 2009).
- According to researchers Wall, Wheaton and Zuver (2009) only 10 studies have been conducted in the United States on bullying and developmental disabilities. All studies found that children with disabilities were two to three times more likely to be victims of bullying than their non-disabled peers. In addition, the researchers found that the bullying experienced by these children was more chronic in nature and was most often directly related to their disability.
- In 2009, the Massachusetts Advocates for Children in a survey of nearly 400 parents of children with autism across the state found that 88 percent of children with autism have been bullied at school ranging from verbal abuse to physical contact.

The entire report can be downloaded: [Walk a Mile in Their Shoes: A Report on Bullying and Special Needs](#).

The **PACER CENTER** is a [parent training and information center](#) for families of children and youth with all disabilities from birth through 21 years old. Located in Minneapolis, it serves families across the nation.

**The PACER Center's Bullying Prevention Project** unites, engages, and educates communities nationwide to prevent bullying through creative, relevant, and interactive resources. The **Pacer National Bullying Prevention Center** provides a range of resources at <http://www.pacer.org/bullying/>.

**Web site for kids** [www.PACERKidsAgainstBullying.org](http://www.PACERKidsAgainstBullying.org) "Kids Against Bullying" was created for elementary school children. This Web site is an informative and creative resource to educate students about bullying prevention and provide methods to respond to bullying situations. The site features an animated cast of characters, information, celebrity videos, Webisodes, interactive games, animation, contests, and other activities. Parents and professionals will find helpful tips, intervention strategies, and resources for use at home or school.

**Web site for teens** [www.PACERTeensAgainstBullying.org](http://www.PACERTeensAgainstBullying.org) PACER's Teens Against Bullying Web site is a relevant, edgy, and unique educational resource for bullying prevention designed to engage, empower and educate all teens. Information is presented in an innovative, engaging and interactive style. There are solutions—creative resources that all teens—can use to educate other teens and young people and to raise awareness in their community or to help other teens in bullying situations.

### **PACER handouts include:**

#### [Bullying and Harassment of Students with Disabilities - Top 10 Facts for Parents, Educators and Students](#)

- [Common Views and Myths about Bullying](#)
- [Drama: Is It Happening to You?](#)
- [IEP and Bullying](#)
- [Cyberbullying: What Parents Can Do to Protect Their Children Help Your Child Recognize the Signs of Bullying](#)
- [Record Keeping and Bullying](#)
- [Telling Classmates About Your Child's Disability May Foster Acceptance](#)
- [Use Positive Strategies to Protect Your Child with Disabilities from Bullying What If Your Child IS the One Showing Bullying Behavior?](#)

### **Refugee and Immigrant Children**

A refugee is a person who has left his or her country of nationality and is unable or unwilling to return to that country due to persecution or a well-founded fear of persecution based upon race, religion, nationality, membership in a specific social group, or political group. New York State receives refugee children every year. While most come with some family member(s), some come

alone, and all leave behind all they have ever known. Some refugee children have experienced the ravages of war and others have suffered trauma as a result of their experiences in refugee camps.

Children who come to our country as refugees face the challenge of adapting to a new environment while coping with the loss of home, family members, friends, belongings, and community. Although immigrant children usually do not leave their homes under the same kinds of circumstances that compel refugees to flee their country of nationality, they share some of the same challenges faced by refugee children in adapting to a new environment, learning a new language and creating social support networks with peers and adults in a new school community.

Both refugee and immigrant children must deal with vast cultural change, and cultural misunderstandings can make these children particularly vulnerable to harassment in the form of bullying. Factors such as a lack of understanding of cultural norms, different expectations for personal hygiene, peer pressure around appropriate clothing, different kinds of social boundaries, different culturally informed gestures, body language and use of personal space can make immigrant or refugee children the target of harassment.

A New England Equity Assistance Center (NEEAC) study in a medium-sized Massachusetts school district found that twice as many middle school English Language Learners (ELLs) reported worrying about being physically bullied as compared to their non-ELL peers and 49% of ELL students reported that students make fun of others with accents as compared to 21% of non-ELL students.

To compound such issues, depending on the conditions in their home country, immigrant children and refugee children may be mistrustful of authority and, therefore, reluctant to report harassment or discrimination because they do not want to draw attention to themselves.

It is, therefore, vital that ESL teachers are actively engaged in a school's efforts to prevent and intervene in bullying and harassment so that ELL students know to whom they can turn for support and assistance and learn how to respond to, and be an ally for one another, in the event that they either experience or witness such behavior. How to Support Refugee Students in the ELL Classroom [www.colorincolorado.org/article/23379/](http://www.colorincolorado.org/article/23379/) provides important information and guidance for the ESL teacher.

Bridging Refugee Youth and Children's Services (BRYCS) provides national technical assistance to organizations serving refugee and immigrants. Its website [www.brycs.org](http://www.brycs.org) includes multiple resources that can assist educators in providing support to immigrant and refugee children.

## Guidelines on Gender

### Guidelines to Support Transgender and Gender Expansive Students

The DOE's [Guidelines to Support Transgender and Gender Expansive Students](#) set forth protocol and describe best practices for supporting transgender and gender expansive students. All Office of Safety and Youth Development 2022-2023

principals must share these guidelines with their school staff and students.

Schools must be proactive in creating a culture and practices that respect and value all students and foster understanding of gender identity and expression within the school community. All school staff members and students must refer to students by their chosen names and pronouns. All students may discuss and express their gender openly and decide when, with whom, and how much of their private information to share.

For a student who has obtained a legal name change, a court order, amended birth certificate, or government ID reflecting the name change may be submitted to update the student's name on a student's permanent records.

For a student who has not obtained a legal name change, the student's name can be changed on these records if the parent, or the student if they are 18 years of age or older, submits a signed Name and Gender Change Request Form([Open external link](#)) to the school's pupil accounting secretary or principal's designee.

Guidance on updating students' name and gender [can be found here](#).

No documentation is required to update a name or gender marker in records that are not part of a student's permanent file. Schools must use the student's chosen name and gender in all non-permanent records. Student IDs must not have gender markers on them. Guidance on updating ID cards [can be found here](#).

The DOE does not include gender on student- and school-facing permanent records. To update the student's gender in the limited records where gender is stored, the parent, or the student if they are 18 years of age or older, submits a signed Name and Gender Change Request [Form\(Open external link\)](#) to the school's pupil accounting secretary or principal's designee.

Transgender and gender expansive students must be provided access to facilities (restrooms, locker rooms, or changing rooms) consistent with their gender identity asserted at school. A transgender or gender expansive student may not be required to use an alternative facility (e.g., a single-occupancy restroom instead of the locker room) or a facility that conflicts with the student's gender identity asserted at school. For students who are gender fluid, the school should work with the student to facilitate restroom and locker room access that affirms their identity. Schools must provide reasonable alternative arrangements for any student who expresses a need or desire for increased privacy. Reasonable alternative arrangements may include a single occupancy restroom, use of a private area, or a separate changing schedule. Alternative arrangements must be made available to students who request them, but must never be forced upon students, nor presented as the only option. Furthermore, any arrangements must be provided in a non-stigmatizing manner that protects student privacy and is not marginalizing or disruptive for the student.

Students must be permitted to participate in all school activities in accordance with their gender identity asserted at school. Refer to the Guidelines for information regarding medical records,



sports and physical education, privacy, and more. Contact [lgbtq@schools.nyc.gov](mailto:lgbtq@schools.nyc.gov) with questions.

## Guidelines on Gender Inclusion

The DOE's [Guidelines on Gender Inclusion](#) include protocol and best practices for gender inclusion in schools. Dress codes must be written, enforced, and applied equally to all students regardless of gender and must be free of gender stereotypes. The DOE prohibits gender segregation for health classes, including for classes or portions of these classes that deal primarily with human sexuality. All principals **must** share these guidelines with their school staff.

Generally, non-vocational classes and extracurricular activities must be coeducational. In very limited circumstances, it may be appropriate to offer single-gender non-vocational classes, or extracurricular activities that support the curriculum (e.g., advisory groups). Schools must consult their Senior Field Counsel and follow guidance in the Guidelines prior to offering any such class or activity.

## OUT for Safe Schools®

The OUT for Safe Schools® campaign is a national initiative that supports school-based staff to visibly identify as trusted adults to LGBTQ students. School staff receive training in building affirming environments for LGBTQ students before receiving badges for the school community. For more information, contact Sarah Cocuzzo ([SCocuzzo2@schools.nyc.gov](mailto:SCocuzzo2@schools.nyc.gov)).

## Gender and Sexuality Alliance Clubs

A GSA is a club, typically in a high school or middle school, which provides a place for students to meet, support each other, talk about issues related to sexual orientation and gender identity and expression, and work to end harassment, sexual harassment or discrimination for LGBTQ students. The clubs are also a great place for all kids to get support, including allies and children of LGBTQ parents. Elementary schools have created Respect for All clubs with similar purposes. If your school has a club to support LGBTQ students, please report this in your consolidated plan so you can receive further resources and supports.

## Curriculum

Curriculum is both a window and a mirror, allowing students who are not LGBTQ to see the experiences of others and providing a reflection for LGBTQ students. These efforts include incorporating LGBTQ history, reading books by LGBTQ authors, and ensuring sexual health curriculum is inclusive of all identities. Schools can find resources on the WNET LGBT+ Identity Collection at <http://tinyurl.com/wnetcollection>. Schools can participate in the LGBTQ Writers in Schools Program where a teacher is paired with an LGBTQ author. They receive copies of the books for a classroom and a visit with the author.

## More Information

For additional information or assistance in supporting LGBTQ students, contact [lgbtq@schools.nyc.gov](mailto:lgbtq@schools.nyc.gov) or visit <http://schools.nyc.gov/lgbtq>.

These resources are also available in the [Best Practices Standards for Creating and Sustaining a Safe and Supportive Schools](#).

## Consolidated Youth Development Plan

Chancellor’s Regulation A-832 and A-831 each require schools to submit a plan by October 31 for preventing and addressing conduct under each regulation in its annual Consolidated Youth Development (YD) Plan. The deadline for schools to update and submit their plans via the OSYD portal for review by district student service teams is September 30.

The purpose of your school’s Respect For All and Sexual Harassment prevention plans is to delineate the actions the school will take to promote a safe, supportive and inclusive school culture in which all students can thrive. It is the school’s blueprint for how staff and students will be engaged in creating a positive school environment in which all students feel valued and respected.

All members of the school community **must know and understand** that written discrimination, harassment, intimidation and/or bullying, including sexual harassment, includes electronically transmitted communications (written or graphic material, graffiti, photographs, drawings, or videos), (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.

The RFA/SHP plan must include:

- the programs, guidance and instructional components (universal prevention and intervention efforts) that will promote respectful behavior among and between all students in the school;
- specific interventions that will be used for students whose behavior indicates the need for greater levels of support;

The A-832 plan must specifically address student-to-student discrimination, harassment, intimidation and/or bullying, including cyberbullying. The A-831 plan must specifically address student-to-student sexual harassment. It is imperative that schools take steps to teach students responsible use of electronic communications.

### **A comprehensive plan:**

- clearly delineates how the school will incorporate into its instructional and supportive services programs, including counseling, the promotion of respect to create and sustain an inclusive school culture and climate in which all students and staff members feel safe and respected
- shows evidence of consultation with the RFA/SHP Liaison(s) and other internal staff members

with demonstrated expertise in addressing and preventing conduct under these Regulations and/or diversity training and/or external experts on these issues

- includes on-going opportunities for professional development in human relations and/or areas related to human relations including, but not limited to, diversity, conflict resolution, de-escalation strategies, restorative approaches, classroom management, etc. for staff members
- includes steps the school will take to ensure that all staff members, including non-instructional staff, are aware of and sensitive to potential acts of discrimination and/or harassment directed at students by other students or by school employees and understand how to prevent and respond to discrimination and harassment
- includes the steps the school will take to ensure that teachers' pedagogical practices include inclusive instructional methods
- includes the steps the school will take to ensure that counselors follow best practices for inclusive school counseling
- includes a description of school wide programs or projects or special initiatives that promote respect for diversity and/or address the prevention of bullying and bias-based behavior
- cites resources, including classroom lessons and other instructional materials, that can be used by teachers and support staff to promote positive interpersonal and intergroup relations and respect for diversity as a component of their regular professional practice
- includes how teachers will incorporate instruction in respect for diversity and dignity, including awareness and sensitivity to individuals who are, or are perceived to be, of a different race, ethnicity, color, creed, national origin, citizenship/immigration status, religion, gender, gender identity, gender expression, sexual orientation, weight, or disability as part of the school's civility, citizenship and/or character education effort(s)
- describes multiple opportunities for students, applicable to their age and grade level, to be actively engaged in promoting respect and preventing bullying and harassment in their school community

## Appendix A – Public Notification of Anti-Discrimination Policy

It is the policy of the New York City Department of Education (DOE) to provide equal employment opportunities in accordance with applicable laws and regulations and without regard to actual or perceived race, color, religion, creed, ethnicity, national origin, alienage, citizenship status, age, marital status, partnership status, disability, sexual orientation, gender (including actual or perceived gender identity, gender expression, pregnancy/conditions related to pregnancy or childbirth), military status, unemployment status, prior record of arrest or conviction, caregiver status, consumer credit history, predisposing genetic characteristics, salary history, sexual and reproductive health decisions, or status as a victim of domestic violence, sexual offenses, or stalking, and to maintain an environment free of harassment on any of the above protected classifications, including sexual harassment and retaliation.

It is the policy of the DOE to provide equal educational opportunities in accordance with applicable laws and regulations and without regard to actual or perceived race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship status, disability, sexual orientation, gender (including actual or perceived gender identity, gender expression, pregnancy/conditions related to pregnancy or childbirth), or weight and to maintain an environment free of harassment on the basis of any of the above protected classifications, including sexual harassment and retaliation.

This policy is in accordance with Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Age Discrimination in Employment Act of 1967, Section 503 and Section 504 of the Rehabilitation Act of 1973, Fair Labor Standards Amendments of 1974, Immigration Reform and Control Act of 1986, The Americans with Disabilities Act of 1990, Civil Rights Act of 1991, New York State and City Human Rights Laws and Provisions of Anti-Discrimination in Collective Bargaining Agreements of the Department of Education of the City of New York.

Chancellor's Regulation A-830 sets forth the procedures for employees, parents of students, students and others who do business with the DOE, work with DOE employees or students, use DOE facilities or otherwise interact with the DOE to file complaints of unlawful discrimination, harassment by DOE employees or individuals who are not employed by the DOE but who work with DOE employees or students, or retaliation based upon such complaints. Complaints may be filed by contacting the Office of Equal Opportunity & Diversity Management (OEO) or by filing with one of the agencies identified below. A copy of Chancellor's Regulation A-830 may be obtained from OEO or on the [legal page](#).

## **DOE Resources**

### **Main Office:**

Office of Equal Opportunity & Diversity Management  
New York City Department of Education  
65 Court Street  
Brooklyn, New York 11201  
Tel: 718-935-3320  
Fax: 718-935-2531

### **Questions regarding Title IX compliance should be referred to:**

Title IX Coordinator  
65 Court Street, Room 200  
Brooklyn, NY 11201  
Tel: 718-935-4987

[Title IX Inquiries@schools.nyc.gov](mailto:Title_IX_Inquiries@schools.nyc.gov)

## Appendix B – Summary of Prohibited Discrimination

Chancellor's Regulation A-830 <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-830>, sets forth the procedures by which employees, applicants for employment, students, parents and others who do business with the New York City Department of Education (DOE), use DOE facilities or otherwise interact with the DOE can raise and resolve claims of discrimination within the New York City public school system. The following information is intended to provide guidance to assist people in avoiding discriminatory practices but is not, however, exhaustive. <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-830>, sets forth the DOE's Anti-Discrimination Policy. It also establishes an internal review process for employees, applicants for employment, parents of students, students, and others who do business with the DOE, work with DOE employees or students, use DOE facilities

or otherwise interact with the DOE who wish to file complaints of unlawful discrimination or harassment by DOE employees or individuals who are not employed by the DOE but who work with DOE employees or students based on a protected classification, including sexual harassment, or retaliation based on such complaints.. The following information is intended to provide guidance to assist people in avoiding discriminatory practices but is not exhaustive.

**Alienage/Citizenship:** actual or perceived immigration status or status as a citizen of a country other than the United States of America. It shall not be an unlawful discriminatory practice for any person to discriminate on the ground of alienage or citizenship status or to make inquiry as to a person’s alienage or citizenship status or to give preference to a person who is a citizen or native of the United States when such preference is expressly permitted or required by a federal, city or state law or regulation.

**Caregiver Status:** actual or perceived status as a caregiver. The term caregiver means person who provides direct and ongoing care for a minor child or a care recipient. A care recipient is defined as a person with a disability who: (i) is a covered relative, or a person who resides in the caregiver’s household; and (ii) relies on the caregiver for medical care or to meet the needs of daily living. A covered relative includes a caregiver’s child, spouse, domestic partner, parent, sibling, grandchild or grandparent, or the child or parent of the caregiver’s spouse or domestic partner, or any other individual in a familial relationship with the caregiver.

**Color:** actual or perceived skin color complexion.

**Consumer Credit History:** an individual’s credit worthiness, credit standing, credit capacity, or payment history. Employers may not request or use the consumer credit history of an applicant or employee for the purpose of making any employment decisions, including hiring, compensation, and other terms and conditions of employment unless expressly permitted or required by law or regulation.

**Disability:** actual or perceived physical, medical, mental, or psychological impairment or history or record of such impairment, or a condition regarded by others as a disability. For more information on accommodating students with disabilities under Section 504 of the Rehabilitation Act of 1973, see Chancellor’s Regulation A-710 (<https://www.schools.nyc.gov/docs/defaultsource/default-document-library/a-710>).

**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:** actual or perceived gender, pregnancy, or conditions related to pregnancy or childbirth. The prohibition against gender discrimination includes sexual harassment. The term “gender” also includes a person’s actual or perceived gender identity and gender expression, meaning their self-image, appearance, behavior, expression, or other gender-related characteristic, regardless of the sex assigned to that person at birth. Gender discrimination may include, but is not limited to, denial of

access to restrooms, changing rooms, locker rooms, and/or DOE programs or activities on the basis of gender or the use of name(s) or pronoun(s) in a manner that discriminates (e.g., deliberately using a pronoun that is not consistent with the individual's gender identity asserted in school, work, or other DOE program or activity).

**Military Status:** a person's participation in the military service of the United States or the military service of the state, including but not limited to, the Armed Forces of the United States, the Army National Guard, the Air National Guard, the New York Naval Militia, the New York Guard and such additional forces as may be created by the federal or state government as authorized by law.

**Partnership Status:** actual or perceived status of being in a registered domestic partnership.

**Predisposing Genetic Characteristic:** any inherited gene or chromosome, or alteration thereof, determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or is associated with a statistically significant increased risk of development of a physical or mental disease or disability.

**Prior Arrest/Conviction:** record of prior arrests and convictions for criminal offenses. After the extension of a conditional offer, the DOE requires a background investigation, including fingerprint information, which is reviewed under Chancellor's Regulation C-105 (Background Investigations of Pedagogical and Administrative Applicants and Procedures in Cases of the Arrest of Employees, <https://www.schools.nyc.gov/docs/default-source/default-document-library/c105-2-11-2003-final-remediated-wcag2-0>) as well as any applicable laws and regulations.

**Race:** actual or perceived "race" includes personal characteristics historically associated with race such as hair texture and protective hairstyles (e.g., braids, locks, and twists, wigs or other headwear), skin color, or certain facial features.

**Religion/Creed:** actual or perceived religion or creed (set of fundamental beliefs, whether or not they constitute a religion). An employee requesting a reasonable accommodation for religious reasons should follow the procedures in Chancellor's Regulation C-606 (Time Off for Religious Observance, <https://www.schools.nyc.gov/docs/default-source/default-document-library/c606-english>). A student requesting a reasonable accommodation for religious reasons should follow the procedures in Chancellor's Regulation A-630 (Religious Accommodation of Students, <https://www.schools.nyc.gov/docs/default-source/default-document-library/a-630-english>).

**Salary History:** "Salary history" includes the applicant's current or prior wage, benefits, or other compensation, but not any objective measure of the applicant's productivity such as revenue, sales, or other production reports. Except as otherwise permitted by law, such as for internal transfer or promotion within DOE, the DOE is prohibited from inquiring about a job applicant's salary history or from relying on their salary history in determining the salary, benefits or other compensation for such applicant during the hiring process, including the negotiation of a contract.

**Sexual Harassment:** Sexual harassment may take different forms, including explicit sexual propositions or threats, sexual advances, requests for sexual favors, sexual innuendos, sexually suggestive comments, sexually oriented jokes, obscene gestures, verbal, nonverbal, physical, written, or electronically communicated conduct or communication, and physical contact, such as touching, patting, pinching or brushing against another's body. Such conduct can constitute sexual harassment whether it is directed at persons of the same or a different gender and may also constitute criminal conduct. Sexual Harassment of Students by Employees:

OEO will forward complaints of this nature to the Special Commissioner of Investigation who will determine how to proceed.

Sexual conduct between an adult employee and a student can never be considered welcome or appropriate. Sexual harassment of a student by an employee consists of sexual advances, requests for sexual favors and other verbal and physical conduct of a sexual nature. It includes situations where:

1. submission to such conduct is a condition of the student's advancement or obtaining an education;
2. submission to or rejection of such conduct by a student is used as a basis for evaluating or grading a student or as a factor in decisions affecting the student's education; or
3. such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive educational environment.

Sexual harassment may take different forms, including explicit sexual propositions or threats, sexual innuendos, sexually suggestive comments, sexually oriented jokes, obscene gestures, displays of pornographic or obscene visual or printed material, and physical contact, such as touching, patting, pinching or brushing against another's body. These behaviors can constitute sexual harassment whether they are directed at persons of the same or opposite sex and may also constitute criminal behavior.

#### B. Sexual Harassment of Students by Students:

Please refer to Chancellor's Regulation A-831: Student-to-Student Sexual Harassment.

**Sexual Orientation:** an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality, and pansexuality.

**Unemployment Status:** The term unemployment means not having a job, being available for work and seeking employment. However, there are allowances in the law that permit an employer to consider an applicant's unemployment when there is a substantially-job related reason for doing so or to inquire into the circumstances surrounding an applicant's separation from prior employment.

**Victim of Domestic Violence, Sexual Offenses, or Stalking:** An actual or perceived victim of Office of Safety and Youth Development 2022-2023

domestic violence is a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person who is cohabitating with or who has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature or a person who is or has continuously or at regular intervals lived in the same household as the victim.

An actual or perceived victim of sex offenses or stalking is a person who has been subjected to such behavior as defined by the penal code.

An employee may request a reasonable accommodation due to their status as an actual or perceived victim of domestic violence, sex offenses or stalking in order to fulfill the essential requests of a job. The employee may be asked to provide certification that they are a victim of domestic violence, sex offenses or stalking. An employee requesting the reasonable accommodation shall provide a copy of such certification within a reasonable period after the request is made. The certification requirement may be satisfied by providing a police or court record, documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider that the employee or that employee's family or household member sought assistance as an actual or perceived victim of domestic violence, sex offenses, or stalking and/or the effects of the violence or stalking; or other information consistent with the employee's disclosure and the request for accommodation.