

SECTION IV: THE DIGNITY ACT COORDINATOR

Identifying and Appointing the Dignity Act Coordinator (DAC)

To comply with the Dignity Act, at least one staff member in each school must be designated as the DAC and be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (defined to include gender identity or expression), and sex (Education Law §13[3]; 8 NYCRR §100.2[jj] [4]). The DAC must also be provided with training (1) which addresses the social patterns of harassment, bullying and discrimination, including but not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex; (2) in the identification and mitigation of harassment, bullying and discrimination and (3) in strategies for effectively addressing problems of exclusion, bias and aggression in educational settings (8 NYCRR §100.2[jj] [4] [iii – v]).

Each DAC must be employed by the school district, BOCES, or charter school, as applicable, and be licensed and/or certified by the Commissioner as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or superintendent of schools (8 NYCRR §100.2[jj][4][vi]). It is recommended that the employee designated as the DAC be an individual who is respected by the school community and whose recommendations and counsel will be valued and heeded by all stakeholders. It is equally important that the individual is someone with whom both students and colleagues feel comfortable speaking regarding the serious and often difficult issues of harassment, bullying, and/or discrimination. When designating the DAC, keep in mind that the law applies to student to-student, as well as faculty/staff-to-student behaviors. The employee designated as the DAC does not need to be the principal; however, it should be someone with experience addressing and resolving such issues within the school.

Additional criteria for identifying an employee to serve as a DAC may also include, but is not limited to, prior training in areas such as human relations, cultural diversity, bullying prevention and intervention and/or conflict resolution and/or demonstrated expertise in any of these or related areas.

Commissioner's Regulation §100.2(jj)(4)(vi) requires that the designation of each DAC be approved by the board of education, trustees or sole trustee of the school district, or, in the City School District of the City of New York, by the principal of the school building in which the designated individual is employed. In the case of a charter school, the DAC shall be approved by the board of trustees (8 NYCRR §100.2[jj][4][vi]).

If the individual serving as the DAC vacates his or her position as the DAC, another employee must be immediately designated as an interim DAC pending approval of a new DAC by the applicable governing body within 30 days of the date the position was vacated (8 NYCRR §100.2[jj][4][viii]). In the event a DAC is unable to perform his or her duties for an extended period of time, another eligible employee shall be immediately designated for an interim appointment as DAC, pending return of the previous DAC (8 NYCRR §100.2[jj][4][viii]).

Accessibility

Accessibility to students and staff is an important consideration when identifying the DAC. It is especially important that students have someone available to whom they can reach out Monday through Friday. To promote accessibility, a school may wish to consider creating a dedicated Dignity Act email address for the DAC as a means of facilitating outreach and addressing allegations of harassment or discrimination. In addition, the name and contact information for the DAC must be shared with all school personnel, students, and persons in parental relation which shall include, but is not limited to, providing the name, designated school and contact information for each DAC by listing such information in the Code of Conduct and updates posted on the website, if available; posting such information in highly-visible areas of school buildings; making such information available at the district and school-level administrative offices and either including such information in the plain language summary of the Code of Conduct provided to persons in parental relation to students before the beginning of each school year or providing such information to parents and persons in parental relation at least once per school year in a manner as determined by the school, including, but not limited to, through electronic communication and/or sending such information home with students (8 NYCRR §100.2[jj][4][vii]).

Benefits of Identifying Multiple Dignity Act Coordinators

While the Dignity Act requires only one DAC in each school, schools may want to consider identifying multiple DACs. Research conducted by GLSEN has suggested that a team of employees is better equipped to respond to bias-based harassment than is an individual. Creating a group of DACs increases the likelihood that an individual student will consider one or more DAC as someone they trust and with whom they feel comfortable speaking about a specific concern. Having multiple DACs also creates a cohort of trained staff who can serve as a resource for colleagues and students when they wish to implement class or school wide initiatives that promote respect for diversity and/or address harassment. Regardless of the number of DACs a school designates, each student should know who the DACs are, through the processes and procedures described above, at a minimum. Schools may choose to use the professional development requirement for teachers as a means of encouraging a team approach at the school level. Depending on school and/or district policy, a school may accept professional development hours in areas such as human relations, cultural diversity, bullying prevention and intervention, bias prevention and intervention, social emotional learning, and/or conflict resolution or other areas related to the Dignity Act which will assist the school in developing a cadre of thoroughly trained teaching staff.

Allegations of Student-to-Student Harassment and/or Discrimination

New York State Education Law §2801 requires every school district and BOCES to have a Code of Conduct, including procedures for enforcement of the code. Regardless of whether a student makes an allegation of student-to-student or staff-to student harassment or discrimination directly to the DAC or to another school employee, allegations of Dignity Act-related incidents must be investigated and appropriately responded to in the same manner as all other infractions of the Code of Conduct and in accordance with any and/or all other applicable school and/or district policies and procedures related to student discipline.

Investigating and Responding to Allegations of Staff-to-Student Harassment and/or Discrimination

In the case of a report of alleged staff-to-student harassment and/or discrimination, reporting, investigation, and response must follow all applicable school and/or district policies and procedures, including contractual provisions and due process obligations related to staff-to-student misconduct. Pursuant to the Commissioner's regulations, each district and BOCES Code of Conduct must, among other things, contain provisions for disciplinary measures to be taken for incidents on school property or at school functions involving harassment, bullying and/or discrimination (8 NYCRR §100.2[l][2][ii][g]). The code must also contain provisions for responding to acts of harassment, bullying, and/or discrimination against students by employees or students which incorporate a progressive model of student discipline that includes measured, balanced and age-appropriate remedies and procedures that make appropriate use of prevention, education, intervention and discipline, and considers among other things, the nature and severity of the offending student's behavior(s), the developmental age of the student, the previous disciplinary record of the student and other extenuating circumstances, and the impact the student's behaviors had on the individual(s) who was physically injured and/or emotionally harmed (8 NYCRR §100.2[l][2][ii][h]). Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment (8 NYCRR §100.2[l][2][ii][h]).

The regulations also require that each Code of Conduct contain a provision prohibiting retaliation against any individual who, in good faith, reports or assists in the investigation of harassment, bullying, and/or discrimination (8 NYCRR §100.2[l][2][ii][t]).

Courtesy of

<http://www.p12.nysed.gov/dignityact/documents/FINALDignityForAllStudentsActGuidanceDec2017.pdf>