

# DIGNITY FOR ALL STUDENTS ACT



New York State's Dignity for All Students Act seeks to provide the State's students with a safe and supportive environment free from discrimination, intimidation, taunting, harassment, and bullying on school property, a school bus, and/or at a school function.

**This Information Guide presents an overview of the basic requirements under the Dignity Act, but it is by no means a comprehensive resource.** Further information about the Dignity Act and associated regulations can be found at:

<https://www.nysed.gov/student-support-services/dignity-all-students-act-dasa>



## KEY COMPONENTS

**Employee Training:** Employees should be provided with training to promote a positive school environment that is free from harassment, bullying and/or discrimination. The training should raise awareness and sensitivity to potential acts of discrimination or harassment and to enable employees to prevent and respond to incidents of discrimination and harassment. CRR 100.2 (dd)(2)(iii)

**Dignity Act Coordinator (DAC):** At least one staff member at every school shall be designated and trained to recognize, reduce, and address social patterns of harassment, bullying, and discrimination. The name and contact information of this staff member must be shared with all school personnel, students, and families. CRR 100.2 (jj)

**Code of Conduct:** Codes of Conduct shall include provisions prohibiting harassment, bullying, cyberbullying, and/or discrimination against any student, by employees or students, as well as provisions for responding to such acts. CRR 100.2 (l)(2)(b)

**Curriculum:** Curriculum must include instruction that supports the development of a school environment free of discrimination and harassment. CRR 100.2 (jj)(3)(v)



# RECENT CHANGES

**Cyberbullying:** added in 2013, means harassment or bullying that occurs through any form of electronic communication. Education Law 11(8)

**Gender Identity and/or Expression:** The Dignity Act was amended in 2018 to specify that gender includes gender identity and/or expression. The amendment also included the following illustrative examples of the types of incidents which must be reported to the principal, superintendent, or designee as possible violations of the Dignity for All Students Act:

*Access to School Facilities:* Incidents regarding students being denied access to school facilities, such as restrooms, changing rooms, locker rooms, and/or field trips.

*Dress Code:* The application of a dress code, specific grooming or appearance standards that is made based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex.

*Names and Pronouns:* Incidents regarding the intentional incorrect use of name(s) and pronouns(s) or the pronunciation of name(s) of students.

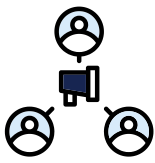
*Other:* Incidents should be reported regarding any other form of harassment, bullying, and/or discrimination, based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex.

**The CROWN Act:** The Dignity Act was amended in 2021 to add the following definitions for the terms race and protective hairstyles to be consistent with The CROWN Act:

Race shall include traits historically associated with race, including, but not limited to, hair texture and protective hairstyles.

Protective hairstyles shall include, but not be limited to, such hairstyles as braids, locks, and twists.

Examples include a report regarding the punishment, differential treatment or humiliation of a student, or exclusion of a student from a school function, athletic team, or school yearbook, based on hair texture or protective hairstyle, or the request to alter or actual alteration of a protective hairstyle. CRR 100.2 (kk)



# INCIDENT REPORTING

**School Reporting:** School employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination shall orally notify the principal, superintendent, or their designee within one school day, and also file a written report within two school days after making the oral report. Any students, persons in parental relation or school employee can file a Dignity Act report with the Dignity Act Coordinator. Reports can also be made anonymously and must still be investigated.

**State Reporting:** Material incidents of discrimination and/or harassment on school grounds or at a school function must be reported to NYSED annually. Additionally, all incidents believed to be potentially criminal in nature must be reported to appropriate law enforcement. CRR 100.2(kk)

**Investigation:** The Dignity Act Coordinator(s), who can be the principal, superintendent or the principal's or superintendent's designee, shall lead or supervise the thorough investigation of all reports of harassment, bullying and/or discrimination, and ensure that such investigation is completed promptly. EDN 13 (1)(d)

## FAQS



### WHAT IS THE DIGNITY ACT?

The Dignity for All Students Act, or DASA, is a state law intended to create a learning environment free of discrimination and harassment for all students. The law states that no student shall be subjected to discrimination, harassment, or bullying (including cyberbullying) by employees or students on school property, or off school property at a school function, electronically, and when the act may create a risk of substantial disruption at school.

### WHO IS PROTECTED UNDER THE DIGNITY ACT?

The Dignity Act protects **all** students. This legislation explicitly mandates the reporting of all incidents of harassment, bullying, and/or discrimination based on, **but not limited to**, a person's race, color, weight, nationality, ethnicity, religion, disability, sexual orientation, gender (which includes gender identity and/or expression), or sex. This includes any act(s) of harassment, bullying, cyberbullying, and/or discrimination of students by other students as well as school personnel.

### HOW DO WE DEFINE HARASSMENT AND BULLYING?

The Dignity Act defines harassment and bullying as the creation of a hostile environment by conduct or by threats, intimidation, or abuse, including cyberbullying. This includes threats, intimidation, and abuse that occurs verbally, non-verbally, or on any form of electronic communication.

# WHAT DETERMINES IF AN INCIDENT OF BULLYING, DISCRIMINATION, OR HARASSMENT IS REPORTABLE?

Any written or oral complaint made to a school employee about discrimination, harassment, bullying, or cyberbullying is significant, and **must be reported to the Dignity Act Coordinator** for investigation. Any observed incident of discrimination, harassment, bullying, or cyberbullying by an employee must be reported, regardless of whether a complaint is made.

If a school employee witnesses an incident or is informed about an incident, they must report it verbally to the Dignity Act Coordinator within one school day and follow up in writing within two days after making the verbal report. One employee in every school should be designed as a Dignity Act Coordinator. Their name and contact information must also be posted in the school, on your website, and in your Code of Conduct.

Following an investigation, the Dignity Act Coordinator will determine whether the complaint is verified as a material incident of harassment, bullying, and/or discrimination.

A material incident under the Dignity Act is a single or series of verified incidents by a student and/or employee on school property, at a school function, or off school property where the act may create a risk of substantial disruption at school (this includes cyberbullying).

This includes conduct of such a severe or pervasive nature that it has one or more of the following effects:

- Interferes with a student's educational performance, opportunities, or benefits
- Affects the student's mental, emotional, or physical well-being
- Causes emotional harm that unreasonably and substantially interferes with a student's education
- Causes, or could reasonably be expected to cause, a student to fear for their physical safety

When an incident is verified as material, the school shall take prompt action, consistent with the district's code of conduct, to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student.

Material incidents are reported to the New York State Education Department (NYSED) on the annual School Safety and Educational Climate (SSEC) Summary Data Collection Form.

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## WHAT DIGNITY ACT TRAINING IS REQUIRED?

All employees (including instructional and non-instructional staff) must receive Dignity Act training that:

- Raises awareness and sensitivity to potential acts of harassment, bullying, and/or discrimination
- Addresses the social patterns of harassment, bullying, and/or discrimination, the identification and mitigation of such acts, and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings
- Enables employees to prevent and respond to incidents of harassment, bullying, and/or discrimination consistent with Education Law
- Makes school employees aware of the effects of harassment, bullying, and/or discrimination on students

The Dignity Act Coordinator must be thoroughly trained to handle human relations in the areas of race, color, nationality, ethnicity, religion, disability, sexual orientation, gender, and sex.

# IS THERE A REQUIRED OR SAMPLE FORM TO USE TO DOCUMENT INVESTIGATIONS AND INTERVENTIONS?

NYSED and the NYS Center for School Safety have developed sample forms for the entire process of reporting and responding to incidents. These include a Sample Complaint Form, a Sample Investigation Protocol, and Sample Student Action plan to stop bullying and keep students safe. These forms are not required but can assist you in responding effectively and efficiently to incidents.

NYSED has developed the Individual Incident Report (IIR) form which serves as a guide to all the required information that must be reported for School Safety and Educational Climate (SSEC) reporting.

## WHAT DOES THE DIGNITY ACT REQUIRE OF SCHOOLS?

The Dignity for All Students Act requires all schools to:

- Designate and train one staff member as the Dignity Act Coordinator (DAC) who is trained in the identification, reduce, and address incidents of harassment, bullying, and discrimination. The name and contact information of the DAC must be shared with families, staff and, students.
- Provide training for all employees to increase awareness and sensitivity to the existence and effects of harassment, bullying, and discrimination.
- Develop a school strategy to prevent harassment, bullying, and discrimination.
- Ensure the Dignity Act Complaint Form is easily accessible.
- Report all material incidents of discrimination, harassment, or bullying annually to NYSED.

## WHAT DOES THE DIGNITY ACT REQUIRE OF THE BOARD OF EDUCATION?

The Dignity for All Students Act requires all Boards of Education to:

- Develop policies intended to create a school environment that is free of discrimination and harassment.
- Develop guidelines for school training programs to (a) discourage discrimination or harassment,(b) raise awareness and sensitivity to potential discrimination and harassment, and (c) enables employees to prevent and respond to incidents of discrimination and harassment.
- Develop guidelines relating to the development of non-discriminatory instructional and counseling methods.

## MORE TIPS:

- Name and contact information for your DAC must be posted in your school building.
- Ensure your Dignity Act Complaint Form is easily accessible.
- An investigation may not always confirm a material incident. If a complaint has been made, there is an underlying issue that should be addressed.
- A safe and supportive climate can help prevent bullying.