

Dignity for All Students Act (Dignity Act)

Frequently Asked Questions

New York State’s Dignity for All Students Act (Dignity 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.

To read the legislation, please follow [this link: NYS Open Legislation | NYSenate.gov](#)

To access Commissioner’s Regulations 100.2 (jj) and (kk), please follow [this link](#).

These FAQs are intended to provide an overview of The Dignity for All Students Act.

The use of the term “parent” in these FAQs is intended to be inclusive of any adult who provides care for a student. This includes a biological or adoptive parent, guardian, legal custodian, or caregiver.

Specific information for your district and school should be included in your school district policies.

1. What is The Dignity for All Students Act (Dignity Act)?

The Dignity for All Students Act is often referred to as “DASA” or “The Dignity Act”.

The Dignity for All Students Act 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. The law is intended to support a positive climate where all students feel safe.

Implementation Tip: *Prevention starts before an incident occurs. Implementation of the Dignity Act should begin with the development of policies and procedures to create a school environment that is free from harassment, bullying, and discrimination. Consider schoolwide climate initiatives, relationship building activities, and how you empower adult & student bystanders.*

2. Who is protected under The Dignity for All Students Act (Dignity Act)?

The Dignity for All Students Act protects **ALL** students. The Dignity Act 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.

Implementation Tip: The Dignity for All Students Act was established to protect **ALL** students from harassment, bullying, and discrimination. **All students are protected**, not only those who are in a protected class.

3. What is the role of the Dignity Act Coordinator at the school?

The Dignity for All Students Act requires all schools to designate and train one staff member as the Dignity Act Coordinator (DAC). The training must include how to identify, mitigate, and address incidents of harassment, bullying, and discrimination and should include strategies for effectively addressing problems of exclusion, bias, and aggression.

The name and contact information of the DAC must be shared with families, staff, and students and should be shared in the following ways:

- Listed in the Code of Conduct
 - Posted on the School/District Website
 - Posted in highly-visible areas of school building [[Sample DAC Poster](#)]
 - Available at District and school level administrative offices
 - Persons in parental relation should be notified yearly
- CR 100.2 (jj) (4) vii

Anyone can file an oral or written report of harassment, bullying, or discrimination to the Dignity Act Coordinator at a school. Once the report is received, the DAC will lead or supervise a thorough investigation of the report and ensure that the investigation is completed promptly.

Schools cannot decline to accept a complaint or decide that an incident is not a material Dignity Act incident before conducting an investigation.

***Implementation Tip:** Provide your Dignity Act Coordinator's name and contact information in various ways throughout the school year. Ensure that your students, staff, and families are aware of who is/are your Dignity Act Coordinator(s), how they access the complaint form, and how they can report incidents (including how an anonymous complaint is made). Consider your school's messaging and how it can encourage students to feel safe & empowered to report incidents.*

***Implementation Tip:** Consider sharing the Dignity Act Coordinator responsibilities by designating multiple staff from different roles & backgrounds. Consider the benefits of designating someone other than your building principal as your Dignity Act Coordinator(s) since the principal is also often responsible for discipline. For many reasons, students may be more comfortable reporting incidents to an adult in a supportive role rather than a role that is perceived as authoritative. Counseling staff can be effective in providing a trauma-informed response to the incident.*

4. What determines if an incident of discrimination, harassment, or bullying is reported to the Dignity Act Coordinator?

Anyone can file an oral or written report of harassment, bullying, cyberbullying, or discrimination to the Dignity Act Coordinator at the school. Every school or district should have an incident reporting form available to report the incident to the school.

Any school employee who is told about an incident or who witnesses harassment, bullying, or discrimination must **verbally notify** the principal, superintendent, or their designee **within one school day**. They must also follow up by **submitting a written report within two days**.

A current version of your district’s policies and procedures, including an incident report form, should be maintained on the district’s website. If your school or district does not have an incident reporting form, you can use the Sample Dignity Act Complaint Form developed by NYSED and the NYS Center for School Safety. The form is submitted to the Dignity Act Coordinator at the school where the incident occurred.

Click on the link to view and/or download the Sample form:

[PART 1 Sample Dignity Act Complaint Form](#)

Once the report is received, the DAC will lead or supervise a thorough investigation and ensure the investigation is completed promptly. The investigation will seek to learn more about the incident and also determine if the incident meets the definition of a “*material incident of harassment, bullying, cyberbullying, and/or discrimination*” as outlined in the Dignity for All Students Act [EDN A2](#) (see FAQ #5).

The process and timelines for the investigation will be specific to your district. The method of informing parents and guardians about the investigation is also a district level decision.

NYSED and the NYS Center for School Safety have developed sample forms for the entire process of reporting, investigating, and responding to incidents. These forms are not mandatory but can be used to develop your own forms. Click on the links to view and/or download the Sample Dignity Act Forms:

[PART 2 Sample Protocol for Dignity Incident Investigation](#)

[PART 3 Sample Incident Verification and Parent Notification](#)

Implementation Tip: Consider establishing a clear and consistent timeline for conducting investigations, and methods for communicating with students & families throughout the investigation. Consider conducting the investigation in a trauma-responsive manner that conveys support and safety for your students. Consider how parents can be informed throughout this process and how these communications can be presented to reassure parents that their students are safe, and you are doing everything you can to ensure their safety.

Please note, the term “report” in the Dignity Act also applies to the requirement for schools to submit an annual report to the New York State Education Department (NYSED) on the total number of incidents that occurred during the school year. Please see FAQ #7 regarding the annual reporting of incidents to NYSED.

5. How are harassment, bullying, cyberbullying, and discrimination defined in New York?

The DAC will conduct an investigation that will seek to learn more about the incident and also to determine if the incident is considered a “*material incident of harassment, bullying, cyberbullying, and/or discrimination.*”

The Dignity for All Students 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.

The Dignity for All Students Act includes the following definitions:

“Harassment’ and ‘Bullying’ shall mean the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying that:

- Has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities, or benefits, or mental, emotional or physical well-being; or
- Reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or
- Reasonably caused or would reasonably be expected to cause physical injury or emotional harm to a student; or
- Occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation, or abuse might reach school property.

Threats, intimidation or abuse include verbal and non-verbal actions.

Acts of harassment and bullying shall include, **but not be 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 or sex.

Emotional harm that takes place in the context of harassment or bullying means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

Cyberbullying is defined as harassment or bullying that occurs through any form of electronic communication, including, but not limited to, cell phones, computers, and tablets, or other communication tools, including social media sites, text messages, chat rooms, and websites.

Discrimination means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited 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.
(CR 100.2 (jj) (1) vii)

Implementation Tip: *The definitions included in the Dignity Act are different than definitions provided by national organizations. By using the NYS definitions, schools can avoid common misunderstandings including the misunderstanding that an incident must be “severe and pervasive”. This language is not included in the Dignity Act.*

6. What is a “material incident”, and what happens next?

A material incident under The Dignity for All Students 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 that one or more of the following effects:

- Interferes with a student’s educational performance, opportunities, or benefits.
- Affects the students 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.

An investigation may not always confirm a material incident. If a complaint has been made, there is an underlying issue that should be addressed. Action steps can still be taken to support a student regardless of the outcome of an investigation.

If an investigation determines that an incident is not a material incident, it **does not mean the incident did not occur**. This is a common misunderstanding. All students deserve to feel safe and supported in their school environment and there are action steps that can be taken to ensure the student’s safety *regardless of the outcome of an investigation*.

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.

The school should also work to prohibit retaliation against any individual who reports or assists in the investigation of harassment, bullying, or discrimination.

The district Code of Conduct should include 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.

Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment. This progressive model of student discipline shall be consistent with the other provisions of the code of conduct.

NYSED and the NYS Center for School Safety have developed [sample forms](#) for the entire process of responding to incidents. These sample forms include:

- Sample Dignity Act Complaint Form
- Sample Protocol for Dignity Act Investigation
- Sample Incident Verification and Parent Notification
- Sample Targeted Student Action Plan Template
- Sample Strategies for Working with Student Who Caused an Incident
- Individual Incident Report (IIR) Form

These forms **are not required** but can provide ideas to assist you in responding effectively and efficiently to incidents.

Implementation Tip: Sometimes, an investigation is unable to confirm a material incident of harassment, bullying, and/or discrimination. Consider the impact of the incident and how you can support students when an incident cannot be designated a material incident. A common misunderstanding is that if an investigation determines the incident is not a material incident, then the investigation is closed. There are many supports that can be put in place to support the targeted student. Consider how to keep all staff informed about the situation.

Implementation Tip: A common misunderstanding is that an investigation must determine a “perpetrator” or “aggressor”. The investigation should determine the impact of the incident on the targeted student and provide a trauma-informed and supportive response to the incident.

Implementation Tip: When families hear that an incident is unfounded, they may interpret this as the school is saying the incident didn’t occur. Consider how your communication conveys the reassurances that students are safe, and you are doing everything you can to ensure student safety. Another common misunderstanding is that parents must only be informed about material incidents. Effective communication and relationship building with parents/caregivers is an essential component of supporting students. Staff can practice **TEA** time (**T**hank parents for their involvement, **E**mpathize, **A**sk how to support the student).

Implementation Tip: The law and regulations are clear that 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.

Implementation Tip: A common misunderstanding of The Dignity Act is that it requires a disciplinary response. If enacted alone, a disciplinary response for the student who caused the incident does not prevent recurrence or ensure the safety of the targeted student. As per the regulations, the district Code of Conduct should include: 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 student who caused the incident’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. Responses shall be reasonably calculated to end the harassment, bullying, and/or discrimination, prevent recurrence, and eliminate the hostile environment. This progressive model of student discipline shall be consistent with the other provisions of the code of conduct.

7. How are incidents reported to the New York State Education Department (NYSED)?

Schools do not send Dignity Act complaints and investigation materials to NYSED. Instead, at the end of the school year, the total number of material incidents of discrimination and/or harassment are reported to the New York State Education Department (NYSED) annually through the [School Safety and the Educational Climate](#) (SSEC) reporting form.

On the SSEC form, Material Incidents of Discrimination, Harassment, and Bullying (DASA) are reported under category #5. The total number of incidents excluding cyberbullying are entered into category 5a, and cyberbullying incidents entered into category 5b.

Information about individual incidents are not sent to NYSED. The SSEC report does not include information about individual students and does not include personal identifying information about students. The incident complaint forms, or the investigative notes are not submitted to NYSED.

NYSED has developed the Individual Incident Report (IIR) form ([see Part 6](#)) which serves as a guide to all the required information that must be reported for School Safety and Educational Climate (SSEC) reporting.

For more information on SSEC reporting, please visit the [NYSED website](#).

School Safety and the Educational Climate data is publicly available on the [NYSED website](#):

Examples of Material and Non-Material Incidents Reportable on the SSEC Summary Data Collection Form

Please note these are provided as examples only. All incidents differ and each incident investigation should determine if an incident is a material incident.

The following examples are REPORTABLE as a Material Incident on the SSEC Summary Data Collection Form:

Example 1

Student A filed a Dignity Act complaint saying that he was offended by the homophobic slur, “that’s gay”. He hears this expression regularly but has filed a complaint against Student B and Student C who are in his classes and use this language especially frequently. Student A states that he is gay and finds this expression particularly offensive. He feels very uncomfortable around Students B and C. The complaint also mentions that while most teachers will tell the students to stop using this expression, teacher D does not. When Student A is in teacher D’s class Students B and C occasionally use the expression “that’s gay” in class discussions without receiving any intervention/support from teacher D. Recently teacher D used the expression, “that’s gay”, in a class discussion and that is what prompted Student A to file the complaint, which includes teacher D.

Reportable on the SSEC Summary Data Collection Form because the student was upset enough to file a complaint. The investigation determined that the comments were pervasive enough to meet the definition of a material incident of harassment.

Example 2

When a group of kids were getting off the school bus Student A heard someone say, “you smell, and you are ugly”. At home Student A began taking showers three times a day and cut her hair. When student A’s mother asked why she cut her hair and was taking extra showers she told her mom about being called smelly and ugly on the bus. Student A refused to attend school. Student A did not know which student had spoken to her.

Reportable on the SSEC Summary Data Collection Form because the bullying occurred on the school bus and was negatively affecting Student A, even when the offender is unknown.

Example 3

One evening, while at home, Student A posted a picture on Snapchat of Student B with comments saying that she is a liar and a thief. Friends of student A posted similar comments. The next day, at school, student A and her friends were whispering and laughing whenever Student B was near them. A friend of Student B showed Student B the Snapchat screenshot that the students were commenting about. During lunch other students were calling student B a liar and a thief and laughing at her. A staff member overheard the comments.

Reportable on the SSEC Summary Data Collection Form because the cyberbullying incident is impacting the student at school.

Example 4

Student A has a disability that impairs his speech and motor function. During gym class, Student B mimicked Student A's speech and awkward movements. The next day Student A refused to go to gym class.

Reportable on the SSEC Summary Data Collection Form because of the negative impact on the student's education

Example 5

Sally, an eleventh-grade transgender girl and her mother requested to meet with the principal and school counselor to inform her teachers that even though her school records indicate that her name is Samuel, she goes by the name Sally and uses female pronouns. With permission from Sally and her mother, the principal sent a letter to Sally's teachers stating that student Samuel (Smith) wishes to be referred to by the name Sally (Smith), a name consistent with her female gender identity. The principal further stated staff should use Sally's preferred name in all contexts, as well as the feminine pronouns, and that fellow students are expected to do the same. Although most of Sally's teachers supported her and reminded the students to do the same, one of the teachers never addressed the students when Sally was intentionally and repeatedly referred to as Samuel. Sally has begun to skip this class and her grade is going down. The teacher is giving her detention for skipping class. Sally's mother has filed a Dignity Act complaint against the teacher.

REPORTABLE to NYSED on the SSEC Summary Data Collection Form because the teacher is not supporting the use of Sally's chosen name and the protection of gender under the Dignity Act includes gender identity and expression.

The following examples are NOT REPORTABLE as a Material Incident on the SSEC Summary Data Collection Form:

Example 6

Student A tripped student B at the bus stop. During the investigation it was found that student A and B have been assigned seats on the bus, are in different classes in different wings of the school and are in different lunch periods. When interviewed, student B stated they are not

impacted by the incident and their teachers indicated no changes in behavior or performance. The Dignity Act coordinator checked in with the student, bus driver and teachers again a month later and the student did not appear to be further impacted by the incident.

Not reportable on the SSEC Summary Data Collection. (See FAQ #6 Implementation Tips for information on responding to unfounded incidents.)

Example 7

A group of boys make barking sounds and laugh whenever they see a particular female teacher in the hallways. This continues for 2 weeks. The teacher becomes increasingly uncomfortable walking alone in the hallways; she is asking male teachers to escort her through the hallways. The teacher files a complaint of harassment.

Not reportable on SSEC form because the Dignity Act applies only to students.

Implementation Tip: *The Dignity for All Students Act protects ALL students and is not limited to those students who are in a protected class.*

Implementation Tip: *An incident is still reportable on the SSEC Summary Data Collection From even if a school has taken prompt action 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.*

Implementation Tip: *Examine your data and consider how it can be used for improvement.*

8. How long and where must the investigation records be kept?

The records must be kept at the school location where the incident occurred until the youngest child involved is 27 years old. The records are not part of the student’s official school records and do not follow the student to another school.

For more information, please see Records Retention and Disposition Schedule [LGS-1 927](#).

Last updated March 2024.