

## **SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

The Board is committed to providing an environment free from discrimination and harassment. Accordingly, the Board prohibits discrimination and harassment on the basis of race, color, religion, national origin, sex, sexual orientation, age, disability, or other legally protected category. These actions and occurrences are prohibited regardless of whether they take place on District premises or at school sponsored events, programs, or activities held at other locations.

### **Prohibited Conduct**

Determinations as to whether conduct or occurrences constitute discrimination or harassment for the purposes of this policy and its implementing administrative regulations or procedures will be made consistent with applicable law. These determinations may depend upon a number of factors, including but not limited to: the particular conduct or occurrence at issue, the ages of the parties involved, the context in which the conduct or occurrence takes place, the relationship of the parties to one another, the category or characteristic that is alleged to have been the basis for the action or occurrence, and other considerations as are necessary and consistent with law. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.

Discrimination is, generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his or her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his or her membership in a protected class, or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Harassment generally consists of subjecting an individual, on the basis of his or her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities.

Harassment includes unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his or her membership in a protected class. This conduct includes, but is not limited to: derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

### **Complaints and Grievances by Employees**

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel will have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination, or reprisal.

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Complaints or grievances not covered under employee contracts will be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels

**Complaints and Grievances by Students**

While students have the responsibility to abide by the policies and regulations of the District, they will also be afforded the opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination, or reprisal.

The administration is responsible for establishing rules and regulations for the redress of complaints or grievances through proper administration channels. In addition, the administration will be responsible for developing an appeals process, ensuring that students have full understanding and access to these regulations and procedure, and providing prompt, thorough, and equitable consideration and determination of student complaints and grievances

**Investigation of Complaints and Grievances**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination and/or harassment based on any of the characteristics described above, and will promptly take appropriate action to protect individuals from further discrimination or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

It is essential that any individual who is aware of a possible occurrence of discrimination or harassment immediately report the occurrence. All reports will be directed or forwarded to the District's designated CRCO(s). These complaints are recommended to be in writing, although verbal complaints of discrimination or harassment will also be promptly investigated in accordance with applicable law and District policy and procedure. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.

To the extent possible, all complaints will be treated as confidential. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

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**Prohibition of Retaliatory Behavior (Whistle-Blower Protection)**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination and/or harassment. Complaints of retaliation may be directed to the CRCO. In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that discrimination and/or harassment has not resumed and that those involved in the investigation have not suffered retaliation.

**Finding That Discrimination or Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that discrimination or harassment did not occur, the Civil Rights Compliance Officer will notify the complainant, the alleged offender, and the Superintendent. Such a finding does not preclude the complainant from filing an appeal in accordance with District policy or regulation, or pursuing other legal avenues of recourse.

Even if a determination is made that discrimination or harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering discrimination or harassment.

In all cases, the Superintendent will inform the Board of the results of each investigation involving a finding that discrimination or harassment did not occur.

**Knowingly Makes False Accusations**

Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination or harassment may also face appropriate disciplinary action.

**Civil Rights Compliance Officer (Title IX/Section 504/ADA Compliance Officer) (CRCO)**

The CRCO is the Assistant Superintendent for Human Resources/Executive Director for Personnel and Pupil Services. The CRCO will be appointed by the Board and will be responsible for providing information, including complaint procedures, and for handling complaints relative to civil rights (e.g., Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990) for any student, parent, employee, or employment applicant.

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication that advises students, parents/guardians, employees, and other relevant individuals of the District's established grievance procedures for resolving complaints of discrimination or harassment. Included in this announcement or publication will be the name, address, telephone number, and email address of the CRCO.

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**Development and Dissemination of Administrative Regulations**

Procedures or regulations will be developed for reporting, investigating, and remediating allegations of discrimination or harassment. An appeal procedure will also be provided to address any unresolved complaints.

The Superintendent/designee(s) will affirmatively discuss the topics of discrimination and harassment with all employees and students, express the District's condemnation of this conduct, and explain the sanctions. Appropriate training or awareness programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to discrimination and harassment in the schools, and to disseminate preventative measures to help reduce incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for the investigation of discrimination or harassment complaints.

A copy of this policy and its accompanying procedures or regulations will be available upon request and may be posted or published in appropriate locations and in publications.

This policy does not abrogate other District policies, procedures, or regulations or the District *Code of Conduct* prohibiting other forms of unlawful discrimination, harassment, inappropriate behavior, or hate crimes within this District. It is the intent of the District that all of these policies, procedures, and regulations be read consistently to provide the highest level of protection from unlawful discrimination and harassment. Different treatment of any individual which has a legitimate, legal, and nondiscriminatory reason is not a violation of District policy.

Age Discrimination in Employment Act, 29 USC § 621

Americans with Disabilities Act, 42 USC § 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.

Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law § 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Civil Service Law § 75-B

Education Law § 2801(1)

Executive Law § 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Military Law §§ 242 and 243

NOTE: Refer also to Policy #3230 – [Public Complaints](#)

Adopted: 6/13/17