

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

The Board of Education 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. Such actions and occurrences are prohibited regardless of whether they take place on School 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 will be made consistent with applicable law. Such 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 characterization 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/her membership in a protected class, denying an individual access to facilities or educational benefits on the basis of his/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/her membership in a protected class, to conduct 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 can include unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his/her membership in a protected class. Such 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.

**Civil Rights Compliance Officer**

The District will designate one or more individuals to serve as Civil Rights Compliance Officer. The Civil Rights Compliance Officer will be responsible for coordinating the District's efforts to comply with and carry out its responsibilities regarding non-discrimination and anti-harassment, including investigations of complaints alleging discrimination, harassment, or the failure of the District to comply

with its obligations under relevant non-discrimination and anti-harassment laws and regulations (e.g., the Americans with Disabilities Act, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973).

The District shall post on the District's website this policy which advises students, parents/guardians, employees, and other relevant individuals of the District's established grievance procedures for resolving complaints of discriminations and harassment.

\*The Civil Rights Compliance Officer(s) for the District is/are:

For the 2017-18 School Year – **Mr. Matthew Slattery**, *3-6 House Principal*  
– **Ms. Irene Stephney**, *Director of Student Services*

### **Investigation of Complaints and Grievances**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination 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 such occurrence. All reports will be directed or forwarded to the District's designated Civil Rights Compliance Officer(s). Such 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 Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a 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 or to notify law enforcement officials.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. Such 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 third-party contracts.

### **Knowingly Makes False Accusations**

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

### **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses or any other individuals who participated in the investigation of a complaint of discrimination or harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights

Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

**Additional Provision**

Regulations will be developed for reporting, investigating, and remedying allegations of discrimination and harassment.

In order to promote familiarity with issues pertaining to discrimination and harassment in the schools, and to help reduce incidents of prohibited conduct, the District will provide appropriate information or training to staff and students. As may be necessary, special training will be provided for individuals involved in the investigation of discrimination or harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and will be posted or published on the District website.

This policy should not be read to abrogate other District policies or regulations or the *District Code of Conduct* prohibiting other forms of unlawful discrimination, harassment, and inappropriate behavior within this District. It is the intention of the District that all such policies or regulations be read consistently to provide protection from unlawful discrimination and harassment. However, different treatment of any individual which was a legitimate, legal, and non-discriminatory reason shall not be considered a violation of District policy.

Age Discrimination in Employment Act, 29 USC Section 621  
Americans with Disabilities Act, 42 USC Section 12101 *et seq.*  
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 794 *et seq.*  
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d *et seq.*  
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e *et seq.*  
Title IX of the Education Amendments of 1972, 20 USC Section 1681 *et seq.*  
Education Law Section 2801(1)  
Executive Law Section 290 *et seq.*

**NOTE:** Refer also to *District Code of Conduct*

First Reading: September 12, 2017