



PO Box 300 • 4166 State Route 28 • Boiceville, NY 12412

Procedure Number: 3420P

Date: 07/02/24

Discrimination and Harassment Grievance Procedure

Definitions:

Grievance: An issue that reaches Level One Procedure. This issue involves the violation, interpretation, or application of any article of Title VI or Title VII of the Civil Rights Act of 1964, the New York State Human Rights Law, the Americans with Disabilities Act of 1990 and/or Section 504 of the Rehabilitation Act of 1973. Complaints involving sex-based discrimination including sexual harassment, which may involve violation of Title IX, Title VII, or the New York State Human Rights Law, are covered by a separate grievance procedure (3421/3421.1 or 3422/3422-R). Complaints by Students in violation of the Dignity for All Students Act are covered by Policy 7380/7380-R and the Code of Conduct.

Student: Any person enrolled as a student in any school and/or educational or recreational program authorized by the School District.

Employee: Any full time or part-time teacher, secretary, clerk, custodian, cleaner, administrator, or other person receiving compensation for services rendered to the School District.

Compliance Officer: The person designated by the School District Board of Education to coordinate efforts to comply with federal and state discrimination and harassment laws.

The District's current Title VI/VII/IX Compliance

Officer is:

Stephanie Laffin
Assistant Superintendent for Curriculum &
Instruction Onteora Central School District
4166 Route 28
Boiceville, NY 12412
845-657-6383 x1023
slaffin@onteira.k12.ny.us

The District's current Section 504/ADA Compliance Officer is:

Amanda Allison
Director of Pupil Personnel
Services
4166 Route 28
Boiceville, NY 12412
Phone: 845-657-3320 x 1020
AAllison@onteira.k12.NY.US

Superintendent: The Superintendent of Schools or their designated representative.

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Discrimination: Discrimination includes the use of race, color, weight, creed, national origin, religion, religious practice, ethnic group, political affiliation, gender (including gender identity or expression and nonconformity to gender stereotypes), sex, sexual orientation, age, disability or other legally protected

category as a basis for treating another in a negative manner.

Discrimination also encompasses harassment, which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning.

Level One (1) Procedure:

1. Student, Employee, and/or Third Party

- a. Any student or employee in the School District, as well as any third party, who wishes to file a grievance (complaint) regarding discrimination is encouraged to make such a request in writing on forms available in any of the school offices. Such forms must be forwarded to the appropriate Compliance Officer. However, nothing herein shall prevent an individual from making a verbal complaint of discrimination.

2. Compliance Officer

- a. The Compliance Officer shall initiate and coordinate a thorough and impartial investigation and shall review any evidence that has been presented, and attempt to meet with the student or employee and any named witnesses. The Compliance Officer will also attempt to meet with any individual that the Compliance Officer believes will aid in the investigation.
 - b. Within sixty (60) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that discrimination based on the grievant's membership in a protected category has or has not occurred and shall inform the grievant and the alleged offender in writing of the outcome of the investigation. (Should the Compliance Officer be unable to render their decision in the specified amount of time, the Compliance Officer shall notify the grievant and the alleged offender of such delay). In the event the Compliance Officer finds that there has been a violation, s/he shall propose a resolution of the complaint.

Level Two (2) Procedure:

Either Party may appeal the decision if (1) there is a procedural error; (2) the Compliance Officer or Investigator or Decision maker was bias or had a real conflict of interest; or if new information becomes available that was not available during the initial investigation. The grievant or alleged offender may, within thirty (30) days after s/he has been notified of the Compliance Officer's findings and/or proposed resolution, file a written request for review by the Superintendent of Schools

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Discrimination and Harassment Grievance Procedure (cont'd)

The Superintendent of Schools may request that the grievant, alleged offender, the Compliance Officer, student, third party or any member of Onteora's staff present a written statement setting forth any information that such person has relative to the grievance and the facts surrounding it.

Within thirty (30) days from the date a review was requested, the Superintendent shall render their determination in writing. (Should the Superintendent be unable to render their decision in the specified amount of time, the Superintendent shall notify the grievant or alleged offender of such delay). Such determination shall include a finding that there has or has not been discrimination based on the grievant's membership in a protected category, and/or a proposal for equitably resolving the grievance. The grievant and the alleged offender shall be informed of the outcome of the Superintendent's determination.

The District acknowledges that while it would like students and employees to raise issues of discrimination pursuant to this Regulation so that they can be addressed by it, any employee or student has the legal right to immediately make a complaint to the appropriate governmental entity.

An employee may file a complaint with the following agencies:

Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004; the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210; or the United States Department

of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005.
A student may file a complaint with the following agencies:

United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005; and the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210.

Please take notice that the failure to file a complaint with these agencies within the statutory period may result in the loss of your legal rights.

Prevention and Correction

The District will take all necessary steps to prevent discrimination and harassment in all forms. If the grievance process concludes in a finding of discrimination or harassment, the District will take all necessary steps to correct any discriminatory effects and prevent the reoccurrence of any discrimination or harassment.

Non-Retaliation

The District prohibits any retaliatory behavior, including, but not limited to intimidation,

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reprisal, and harassment, directed against grievant and/or witnesses in an investigation pursuant to this grievance procedure. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that the grievant and/or witnesses have not suffered retaliation.

Confidentiality

The confidentiality of investigations cannot be guaranteed, but a good faith effort shall be made to maintain confidentiality.