

ANTI-HARASSMENT IN THE SCHOOL DISTRICT

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment stands in direct opposition to District policy.

The Board prohibits all forms of discrimination and harassment on the basis of the protected classes described below by all employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

The Board prohibits all forms of discrimination and harassment against employees on the basis of the following protected classes: race, color, creed, religion, national origin, political affiliation, sex, gender identity or expression, age, marital, military, veteran status, predisposing genetic characteristic, disability, or use of a recognized guide dog, hearing dog or service dog or any other legally protected category.

The Board prohibits all forms of discrimination and harassment against students on any basis, including but not limited to protect classed and others such as: race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender identity or expression, and sex. Allegations of violations of Policy 7380, Dignity for All Students Act shall be investigated pursuant to the 7380 Regulation. Allegations of violations of sex-based discrimination or harassment under the jurisdiction of Title IX shall be addressed pursuant to District Policy 3421.1. Allegations of Sexual Harassment (non-Title IX) shall be made under Policy 3421 for Students and Policy 3422 for Employees.

The Board also prohibits retaliation based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding. This policy of nondiscrimination and anti-harassment will be enforced on School District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

The intent is to provide an environment of mutual respect for all individuals to be free of harassment and intimidation.

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived protected trait which:

- a) Has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment; or

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b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;

c) Any student or employee in the School District who wishes to file a complaint regarding discrimination or report discriminatory conduct is encouraged to make such a complaint/report in writing on forms available in any of the school offices.

Such communication should be made as soon as possible after the incident in order to enable the District to effectively investigate and resolve the complaint.

When a student or employee has a complaint of discrimination they should refer to and use the Grievance Procedure (found in District Regulation 3420P). However, complaints may be made verbally. In order to assist the investigation, victims should document the discrimination as soon as it occurs and with as much detail as possible including: the nature of the discriminatory behavior, dates, times, places, name of person responsible for the conduct, witnesses, and victim's response to the discriminatory behavior. In accordance with Regulation 3420P, the District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of harassment, the District will investigate such conduct promptly and thoroughly. The confidentiality of investigations cannot be guaranteed, but a good faith effort shall be made to maintain confidentiality.

Both the complainant and the accused are entitled to fair treatment in the handling of the complaint. Based upon the results of this investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

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Prohibition of Retaliatory Behavior

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 harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

Even if a determination is made that 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 harassment in the workplace.

Knowingly Makes False Accusations

Employees and/or students who knowingly make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

Privacy Rights

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Training and Dissemination of Administrative Regulations

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

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on anti-harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

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Complaints to Agencies

The District acknowledges that while it would like employees to raise issues of discrimination pursuant to this Policy so that they can be addressed by it, any student or employee 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; and the New York State Division of Human Rights at 99 Washington Avenue Albany, New York 12210.

A student may file a complaint with the following agencies:

Federal Office for Civil Rights 26 Federal Plaza New York, New York 10278 ; 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.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621 Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq. Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq. Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq. Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 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 United States Code (USC) Section 1681 et seq. Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c. Education Law Section 2801(1) Executive Law Section 290 et seq. Military Law Sections 242 and 243

NOTE: Refer also to Policies #3421 -- Sexual Harassment of Students

#3422 --Sexual Harassment of Employees #7550 --Complaints and Grievances by Employees

#7550 --Complaints and Grievances by Students

#7380 --Dignity For All Students

Adopted 4/20/22

Reviewed: 07/02/24