

Preventing Discrimination in the School District:
Complaint Procedure

PURPOSE

The North Merrick UFSD is committed to creating and maintaining a working and learning environment which is free of discrimination and intimidation. All complaints of discrimination and harassment will be thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute harassment, sexual harassment, discrimination, intimidation or a form of misconduct. This procedure outlines the steps a complainant should take in order to have their complaint investigated and resolved.

SCOPE

This procedure applies to all students, employees and prospective employees of the North Merrick Union Free School District.

CONTACTS

Compliance Officer:	Superintendent of Schools	Board of Education
Deputy Superintendent 1057 Merrick Avenue North Merrick, NY 11572 516-623-1906	1057 Merrick Avenue North Merrick, NY 11572 516-292-3694	1057 Merrick Avenue North Merrick, NY 11572 516-292-3695

PROCEDURE

1. Any student, employee or prospective employee in the District who wishes to file a complaint regarding discrimination or harassment shall, if possible, make such a complaint in writing **using the Complaint Form 3420F1.**

- The **3420F1 complaint form** may be obtained by clicking on the words "NonDiscrimination Policy" **located at the bottom left** of the North Merrick Union Free School District website, <http://www.nmerrickschools.org> and is also available in every school main office.

If unable to make the complaint in writing, students may contact a teacher, counselor, administrator or the Compliance Officer, and employees may contact their department head or the Compliance Officer to assist with putting the complaint in writing. The written complaint must be signed by the complainant, dated, and include at a minimum, the following information:

- Date(s), time(s), place(s) of alleged incident(s)
- Alleged perpetrators of the discrimination or harassment (names, identifiers, etc.)
- Description of each incident, by date
- Witnesses, if any (names and identifying information)
- Other relevant information
- Desired resolution – what you'd like to see change as a result of the investigation.

2. The written complaint (form 3420F1) should be forwarded to the Compliance Officer, either by the compliant or the principal or administrator to whom the form was initially given.
3. The Compliance Officer or his/her designee will:
 - Begin a fact-finding investigation which will be prompt and equitable to all parties. The investigation may include interviews of appropriate witnesses. If a complaint of harassment, the complainant, the alleged harasser, and any witnesses will be directed to refrain from talking about the investigation while it is pending.
 - All parties will be assured that complaints and discussions will remain as confidential as possible, and will be disclosed only on a “need to know” basis in order to effectively investigate the complaint and/or as mandated by law or court order. However, a written record of the investigation and any action taken will be established.
 - Additionally, parents of students subjected to possible harassment and/or students filing a harassment complaint, as well as parents of accused students, may be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines.
 - If the complainant attempts to withdraw a complaint, the complaint officer will determine that the withdrawal is not caused by retaliation and then document the complainant's reasons and ask the complainant to sign the documentation. A copy of all written material pertaining to the case/investigation will be retained in a separate confidential file.

If the accused student has been identified as having a disability (or is suspected of having a disability) pursuant to Section 504/Individuals with Disabilities Education Act, a student referral shall be made to the Section 504 Team/Committee on Special Education for evaluation/assessment and/or a manifestation determination, as may be applicable in accordance with state and federal law and regulations, to determine whether the student's conduct is caused or affected by his/her disability
 - • Render a decision within 20 school days of receiving the complaint, and notify the complainant, Superintendent, and others who need to be advised of the decision in writing. In the case of extenuating circumstances, the complaint officer will file a status report with the Assistant Superintendent for Human Resources or designee if it becomes necessary to extend the timeline for completion of the investigation and all material parties will be so notified in writing, including the estimated decision date.
 - Within one (1) calendar week of the decision, enact or implement the changes/recommendations, if any, based on the decision.
 - Complainant, and/or material parties, has 30 school days to accept or appeal the decision.
 - a. Accept the decision: By notifying the Compliance Officer in writing;
 - b. Disagree with the decision: Appeal the decision by notifying the Compliance Officer in writing (use Complaint Resolution Appeal Form 3420F3 – see below).
 - c. If within 30 school days material parties fail to notify the Compliance Officer of their acceptance or disagreement with the decision, it will be assumed that the resolution is acceptable, and the Compliance Officer will ensure the changes/recommendations are implemented appropriately.

APPEALING A COMPLAINT RESOLUTION

All complaints, if not satisfactorily resolved at the initial stage of investigation, may be appealed in writing by any material party to the Superintendent of Schools, or his/her designee. A decision shall be made by the Superintendent within four (4) calendar weeks from the date of a letter from a material party requesting further review is received. If a decision cannot be made within four (4) calendar weeks for good cause, material parties shall so be notified and provided with an estimated date for the decision to be made.

If a material party is dissatisfied with the Superintendent's decision, he/she must request a review by the Office for Civil Rights (OCR) within sixty (60) calendar days of the Superintendent's decision. If complainant fails to notify the Superintendent of his/her acceptance or disagreement with the decision, it will be assumed that the resolution is acceptable, and the Compliance Officer will ensure the changes/recommendations are implemented appropriately.

The complainant can, while the investigation is happening at the school level, also contact either of the below agencies and request that an independent investigation be conducted.

New York State Office for Enforcement (for civil rights discrimination based on race, color, national origin, sex, and/or disability)

Office for Civil Rights Phone:
646-428-3900 / 800-421-3481

U.S. Department of Education Fax: 646-428-3843 32 Old Slip, 26th floor
New York, NY 10005-2500
TDD: 877-521-2172
Email: OCR.NewYork@ed.gov
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

New York Civil Liberties Union
125 Broad Street, 19th Floor
Phone: 212-607-3300 New York, NY 10004
Fax: 212-607-3318
<http://www.nyclu.org>

DISCIPLINE AND PENALTIES

Based upon the result of the district's investigation, immediate corrective action will be taken. 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 contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable law, regulation, and the District's Code of Conduct.

Vendors/contractors and other individuals who do business with the district, who have been found to violate the terms of the anti-discrimination policy and/or regulation by engaging in prohibited conduct, will be subject to appropriate sanctions up to and including loss of district business. School volunteers who are found to have violated district policy and regulation may face loss of volunteer status.

Should the offending individual be a visitor, guest or other third party, then any corrective action deemed appropriate will be taken, including, but not limited to, expulsion from the district premises and/or school activities/events under the control and supervision of the North Merrick Union Free School District.

The application of such disciplinary measures by the district does not preclude the appropriate filing of civil and/or criminal charges as may be warranted.