Sex Discrimination and Sex-Based Harassment Under Title IX

The North Merrick School district does not discriminate on the basis of sex, and prohibits sex discrimination in all of its education programs and activities, as required by Title IX and its regulations. Such discrimination includes sex-based harassment. This policy and related procedures apply to all students, employees, and applicants for employment.

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Title IX Coordinator

The district will designate at least one employee as Title IX Coordinator to receive complaints of sex-based discrimination and harassment, and coordinate the district's efforts to comply with Title IX and its regulations. If the district has more than one Title IX Coordinator, the district will designate one to have ultimate oversight over the district's Title IX responsibilities and ensure compliance with the law and its regulations.

Students, employees and applicants may contact the Title IX Coordinator to make complaints about sex discrimination and sex-based harassment.

Grievance Procedures

The district will adopt, publish, and implement grievance procedures, consistent with the requirements of Title IX regulations, that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or are attempting to participate in the district's programs or activities, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or its regulations.

Notice

The district will provide notice of nondiscrimination, this policy, and its grievance procedures, to district students, the parents/guardians/other legal representatives of students, employees, applicants for employment, and collective bargaining units. The notice will include:

1. A statement of nondiscrimination;
2. A prohibition of discrimination;
3. That questions about Title IX can be referred to the Title IX Coordinator, the U.S. Office of Civil Rights, or both;
4. The name and contact information of the Title IX coordinator(s);
5. How to locate this policy;
6. The district's Title IX grievance procedure;
7. How to report information about conduct that may be sex discrimination under Title IX; and
8. How to make a complaint of sex discrimination under Title IX and its regulations.

The district's notice of nondiscrimination will be posted on its website and in each handbook, catalog, announcement, bulletin, and application form which are available to people who are entitled to notice, or otherwise used in connection with the recruitment of employees. However, due to the size or format of those publications, the district may instead include a statement that the district prohibits sex discrimination in its education programs and activities, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the full notice on the district's website.

Employee Requirements

All employees (except those designated as "confidential" under Title IX and those who have been personally subjected to conduct which may constitute sex discrimination under Title IX) are required to notify the Title IX Coordinator if they have information about conduct that reasonably may constitute sex discrimination under Title IX and its regulations.

Supportive Measures

The district will offer supportive measures to complainants or respondents in cases alleging sex discrimination and sex-based harassment, as required by Title IX's regulations. Supportive measures may include, but are not limited to:

1. Counseling;
2. Extensions of deadlines and other course-related adjustments;
3. Increased security and monitoring of certain areas of the district;
4. Restrictions on contact applied to one or more parties;
5. Leaves of absence;
6. Changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
7. Training and education programs related to sex-based harassment.

Emergency Removals and Administrative Leave

The district may remove a respondent from the district's education program or activity on an emergency basis. To do so, the district must perform an individualized safety and risk analysis, determine that an imminent and serious threat to the health or safety of a complainant or any student, employee, or other person justifies removal, and provide the respondent with notice and opportunity to challenge the decision immediately following the removal. Any such removal will be in accordance with the district's responsibilities under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and state Education Law section 3214.

The district may also place an employee respondent on administrative leave while the Title IX grievance process is pending. Any such leave will be in accordance with the district's responsibilities under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, state Education Law section 3020-a, and state Civil Service Law Section 75.

Pregnancy and Related Conditions

Under Title IX regulations, "pregnancy or related conditions" means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

The district will not discriminate against students, employees, or applicants for employment based on their current, potential, or past pregnancy or related conditions.

Under the Title IX regulations, the district has specific responsibilities regarding students who are pregnant or have related conditions:

1. Providing the student with the contact information of the Title IX Coordinator (required of all employees who are informed by the student or their legal representative of their pregnancy or related condition);
2. Informing the student (and, if applicable, their legal representative who informed the Title IX Coordinator of the pregnancy or related conditions) of their rights under the Title IX regulations and the district's nondiscrimination notice;
3. Making reasonable modifications, based on the student's needs and in consultation with the student, as long as they do not fundamentally alter the district's education program or activity (including but not limited to: health or lactation breaks, absences, online/homebound instruction, time extensions, sitting/standing, access to water, counseling, physical space or supply changes, elevator access, or changes to policies, practices or procedures);
4. Allowing the student to voluntarily access separate programs and activities which are comparable to those offered to students who are not pregnant or have related conditions;
5. Providing access to a lactation space (other than a bathroom, which is clean, shielded from view, and free from intrusion from others) to express breast milk;
6. Only requiring supporting documentation that is necessary and reasonable for the district to determine the reasonable modifications to make;
7. Providing medical services comparable to what the district would provide for other temporary medical conditions; and
8. Only requiring certification from a healthcare provider that the student is physically able to participate in the district's education program or activity if: (a) a certain level of physical ability or health is necessary for participation; (b) all students participating in the class, program or activity are required to provide such certification; and (c) the information is not used as a basis for prohibited discrimination.

The Title IX regulations require the district to provide reasonable break time and access to a lactation space for employees to express breast milk as needed. Employees have specific rights to

express breast milk under federal and state laws. See policy district policy 9520.6, Policy on the Rights of Employees to Express Breast Milk in the Workplace, for more information.

Training

The district will ensure that all employees receive training related to their duties under Title IX promptly upon hiring or change of position, and annually thereafter. Such training will include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination and sex-based harassment, and employee notification requirements under Title IX.

Personnel in positions with additional responsibilities under Title IX will receive training specific to those responsibilities. Those positions include investigators, decisionmakers, persons who implement the district's grievance procedures or can modify or terminate supportive measures, informal resolution facilitators (if the district offers informal resolution), and Title IX Coordinator(s) and designees.

Students with Disabilities

For students with disabilities who are either a complainant or respondent for a Title IX complaint, the Title IX Coordinator will consult with members of a student's IEP or placement team to determine how to comply with the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

Recordkeeping

The district will maintain for at least seven years:

1. All records documenting the information resolution or grievance procedures for all complaints of sex discrimination, and the resulting outcome;
2. All records documenting the actions the district took in response to notifications received by the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; and
3. All materials used to provide training under Title IX, which must be made available to members of the public upon request.

Related Laws and Policies

Sex discrimination and sex-based harassment are also prohibited under other district policies cross-referenced below. Complaints of sex-based discrimination and harassment should be first reported to the Title IX Coordinator. If reported to another employee, that employee is required to notify the Title IX Coordinator. If the alleged conduct, even if it were true, would not meet the definition or standard of sex-based discrimination or harassment under Title IX, the district will proceed under other applicable policies. Any information gained during a Title IX investigation can be used in the investigation of violations of other policies and subsequent imposition of discipline. The Title IX Coordinator will facilitate the transfer of information to employees designated to address violations of other policies.

Additionally, if the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate law enforcement authorities.

Cross-ref:
Non-Discrimination and Equal Opportunity
Sexual Harassment in the Workplace
Student Harassment and Bullying Prevention and Intervention
Code of Conduct
Policy on the Rights of Employees to Express Breast Milk in the Workplace

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