

Shelter Island School Board of Education
Monday, October 15, 2018
Regular Meeting at 6:00 pm, Conference Room

Thomas V. Graffagnino, President * Kathleen Lynch, Vice President

Margaret Colligan Linda C. Eklund Mark A. Kanarvogel Jason Lones Tracy McCarthy

1. Call to Order

2. Pledge of Allegiance

3. Shelter Island School Mission Statement – Engage, Explore, Empower

The following statement will be read:

We want our students to cherish our small Island community while applying and expanding their learning about, understanding of, and engagement with the wider world. To do this they must be: ethical and moral individuals; respectful and responsible communicators; creative and analytical thinkers; knowledgeable and literate readers, writers, mathematicians and scientists; participants in and audiences for art, drama, music, athletics, and other artistic, cultural, and social activities; skilled and successful workers and consumers; and committed and active citizens.

4. Visitor Questions (Specific to the agenda)

5. Oath of Office to School District Business Leader and Student Liaison Administered by Board of Education President

6. Consent Agenda – The Board President may seek a motion to approve and/or accept the following agenda items:

- 6.1 Approval of Minutes
 - a. Regular Meeting of September 17, 2018
 - b. Special Meeting of September 25, 2018

7. Correspondence - None

8. Presentations

- 8.1 Presentation Not Requiring Board Approval
 - a. Stephanie Sareyani and Students – School Board Appreciation
 - b. Janine Mahoney, Mia Clark & Michael Payano – National Honor Society State Summit Report
- 8.2 Presentation Requiring Board Approval
 - a. Janine Mahoney and National Honor Society Students – Cardboard Campout
 - b. Keith Brace & Deanna Locascio – Music Department’s Annual Field Trips – 10th Grade Opera, 8th Grade Nutcracker and Broadway Field Trips (NOTE: The Board of Education will vote on this trip at the November 13, 2017 board meeting.)

9. Personnel - The Board President requests a motion to approve and/or accept the recommendations of the Superintendent on the following Personnel Action: 9.1 - 9.4

- 9.1 Mentor/Mentee for the 2018-2019 School Year, at a Rate of \$1,500, per Shelter Island Faculty Association Contract
 - a. Lynne Colligan / Karen Flint
 - b. James Dibble / Michele Albano
 - c. Jennifer Gulluscio / Mia DiOrio
 - d. Janine Mahoney / Carolyn Taylor
 - e. Devon Treharne / Deanna Locascio
- 9.2 Step Movement
 - a. Approval to move the following faculty on the salary scale, effective retroactively to September 1, 2018
 - 1. James Bocca Step 7 MA to Step 7 MA+15
 - 2. Sean Brennan Step 3 MA+30 to Step 3 MA+45
 - 3. Lynne Colligan Step 12 MA+30 to Step 12 MA+45
 - 4. Michael Cox Step 7 MA+60 to Step 7 MA+75
 - 5. Bryan Knipfing Step 5 MA+30 to Step 5 MA+45
 - 6. Natalie Regan Step 2 MA+15 to Step 2 MA+30
 - 7. James Theinert Step 7 MA+60 to Step 7 MA+75
 - 8. Martha Tuthill Step 4 MA+15 to Step 4 MA +30
 - 9. Michele Yirce Step 3 MA to Step 3 MA+15

9.3 Shelter Island Faculty Association (School Related Professionals) Agreement

BE IT RESOLVED THAT: The Board of Education hereby approves amending the last sentence of Article VII, Section A of the Shelter Island Faculty Association (School Related Professionals) Agreement, effective July 2017 – June 30, 2022 from:

For each year of service beyond fifteen years, a twelve-month unit member will receive one (1) additional personal day for service, to a maximum of five additional personal days.

to:

For each year of service beyond fifteen years, a twelve-month unit member will receive one (1) additional **vacation** day for service, to a maximum of five additional **vacation** days.

BE IT FURTHER RESOLVED THAT: The Board of Education authorizes this change be reflected in the next printing of the Shelter Island Faculty Association (School Related Professionals) Agreement; and authorizes the Board President to execute a letter of understanding reflecting this change.

9.4 Resignation of Personnel

a. Sharon Gibbs, Science 7-12 Teacher, effective September 25, 2018, for the purpose of retirement

10. Program - The Board President requests a motion to approve or accept the recommendations of the Superintendent on the following Program Action: 10.1 – 10.4

10.1 CSE Recommendations for the 2018-2019 School Year

a. Committee on Special Education

10.2 Response to Intervention Plan (RTI)

a. Approve the updated Shelter Island School District Response to Intervention Plan

10.3 Adoption of Policy

a. #6121 – Sexual Harassment in the Workplace

10.4 Washington DC Field Trip

a. Approve the 11th Grade Washington DC Field Trip to be held during the 2018-2019 school year; specific dates to be determined

11. Finance – The Board President requests a motion to approve and/or accept the recommendations of the Superintendent on the following Finance Actions: 11.1 – 11.3

11.1 Financial Reports

- a. Treasurer's Report – August 2018
- b. Extra Class Report – August 2018
- c. Appropriations Status Report
- d. Revenue Status Report
- e. Claim Auditor's Report – September 2018
- f. Payroll Audit Report – September 2018

11.2 Budget Transfers & Journal Entries

a. Accept and approve Budget Transfer and Journal Entry Reports for the period of September 13, 2018 through October 05, 2018, that in accordance with Board Policy, the Superintendent has approved, as well as the transfers that need specific Board approval.

11.3 Tax Levy

a. Approval to set the tax levy for the 2018-2019 school year in the amount of \$11,003,896.

12. Business – The Board President requests a motion to approve or accept the recommendations of the Superintendent on the following Business Actions: 12.1 – 12.2

12.1 Contracts

- a. Approve the agreement between the Board of Education of the Shelter Island Union Free School District and Lynn Cataldo of East Marion, NY, for student services. The term of said agreement shall be retroactive to July 1, 2018 through June 30, 2019; and authorize the Board President to execute said agreement.
- b. Approve the agreement between the Board of Education of the Shelter Island Union Free School District and Mattituck-Cutchogue Union Free School District, for student services. The term of said agreement shall be retroactive to July 1, 2018 through June 30, 2019; and authorize the Board President to execute said agreement.

12.2 Donation & Budget Transfer

- a. Authorize the Shelter Island School District to accept a donation of \$250.00 from Joan Benoit Samuelson and Scott Anders Samuelson for the Cross Country program; and authorize an increase to the budget line of Athletic Material & Supplies, A.2855.450.00.2855, in the amount of \$250.00, to be offset by said donation
- b. Authorize the Shelter Island School District to accept a donation of \$1,100.00 from the Shelter Island Presbyterian Church for college field trips for junior and seniors; and authorize an increase to the budget line of Field Trip Transportation, A.5540.400.00.2110, in the amount of \$1,100.00, to be offset by said donation.

13. Facility – The Board President requests a motion to approve or accept the recommendation of the Superintendent on the following Business Action: 13.1 – 13.2

13.1 Donation

- a. Accept the donation of office furniture and various office supplies from community members, Abby & Fredrick Dress

13.2 Excessing of Items

- a. #20090126- Traulsen Freezer (cost to repair exceeds its value)
- b. #000218 – Rolling Cabinet (cost to repair exceeds its value)
- c. 23 Ukuleles (damaged)
- d. 16 Acoustic Guitars (damaged)

14. Items for Consideration - None

15. Old Business - None

16. School District Business Leader Report

17. Director of Athletics, Physical Education, Health, Wellness & Personnel Report

- a. Athletics Update

18. Academic Administrator Report

- a. Part 154
- b. RTI Manual
- c. ENL Parent Orientation

19. Superintendent Report

- a. Stop the Bleed – October 5, 2018
- b. Straws Assembly – October 9, 2018
- c. Book Club – Six Word Memoirs – October 11, 2018
- d. Grant Writing Seminar – October 17, 2018
- e. Doughnuts with Dr. Finn – October 18, 2018

20. Board Member Reports

21. Student Liaison Report

22. Visitor Comments

23. Executive Session – *The Board of Education may enter Executive Session at the end of this scheduled public meeting, to continue to discuss the employment history of particular individuals.*

24. Adjournment

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE

The District is committed to maintaining a discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment. The District will provide this policy to all employees in writing. The District will post this policy prominently throughout the District to the extent practicable.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

What Constitutes Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- a) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- b) Such conduct is made either explicitly or implicitly a term or condition of employment; or
- c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 2. Rape, sexual battery, molestation or attempts to commit these assaults.
- b) Unwanted sexual advances or propositions, such as:

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 2. Sabotaging an individual's work; and
 3. Bullying, yelling, or name-calling.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (CRCO);
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. In the event the CRCO is the alleged harasser, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.

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Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

Investigating Complaints

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the CRCO is the alleged harasser, the complaint will be directed to another CRCO or District designee for investigation.
- b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- f) Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - 2. A list of names of those interviewed, along with a detailed summary of their statements;
 - 3. A timeline of events;
 - 4. A summary of prior relevant incidents, reported or unreported; and
 - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

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

Annual Training

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

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SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
29 CFR § 1604.11(a)
34 CFR Subtitle B, Chapter I
Civil Service Law § 75-B
Executive Law Article 15
Labor Law § 201-g

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#6122 -- Employee Grievances
#7551 -- Sexual Harassment of Students

Adoption Date: 10/15/18