

Shelter Island School Board of Education
Monday, December 9, 2019
Regular Meeting at 6:00 pm, Conference Room

Kathleen Lynch, President * Jason Lones, Vice President

Margaret Colligan Linda C. Eklund John Klupka, Sr. Tracy McCarthy Katherine Rossi-Snook

1. Call to Order

2. Pledge of Allegiance led by Ms. Wood's 1st Grade Class

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

- a. Approval of Minutes
 - 1. Regular Meeting of November 18, 2019

6. Correspondence - None

7. Presentations

- 7.1 Presentations Not Requiring Board Approval
 - a. Jennifer Gulluscio & 8th Grade Students – Disney Trip Report

8. Personnel - The Board President requests a motion to approve and/or accept the recommendations of the Superintendent on the following Personnel Action: 8.1

- 8.1 New York State Minimum Wage Increase
 - a. Increase the rate of pay for Cafeteria Substitute from \$12.00/hour to \$13.00/hour, effective December 31, 2019, as per New York State's Minimum Wage Rate Schedule

9. Program - The Board President requests a motion to approve or accept the recommendations of the Superintendent on the following Program Action: 9.1 – 9.3

- 9.1 CSE Recommendations for the 2019-2020 School Year
 - a. Committee on Special Education
- 9.2 Policy Update – Second Reading & Adoption
 - a. Policy #0110 – Prohibition Against Sexual Harassment (replaces Policy #7551 – Sexual Harassment of Students and Policy #6121 – Sexual Harassment in the Workplace)
- 9.3 Policy Update – First Reading
 - a. Policy # 7520 - Accidents and Medical Emergencies
 - b. Policy # 7421 - Concussion Management

10. Finance – The Board President requests a motion to approve and/or accept the recommendations of the Superintendent on the following Finance Actions: 10.1 – 10.2

- 10.1 Financial Reports
 - a. Treasurer's Report – October 2019
 - b. Extra Class Report – October 2019
 - c. Appropriations Status Report
 - d. Revenue Status Report
 - e. Payroll Audit Report – November 2019
- 10.2 Budget Transfers & Journal Entries

- a. Accept and approve Budget Transfers & Journal Entry Reports for the period of November 5, 2019 through December 4, 2019, that in accordance with Board Policy, the Superintendent has approved, as well as the transfers that need specific Board approval.

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

11.1 Taping of Budget Workshops

- a. Approval to tape the following five (5) budget related presentations/meetings, at a cost of \$1,250.
 - January 21, 2020
 - February 10, 2020
 - March 16, 2020
 - April 20, 2020
 - May 11, 2020

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

12.1 Excess Item

- a. Dell Inspiron Laptop (obsolete) – Shelter Island Serial #20140054
- b. Projector (broken fuser) – Shelter Island Serial #20190053

13. Items for Consideration - None

14. Old Business - None

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

- a. Athletic Update
- b. Suffolk Zone Awards

16. Director of Pupil Personnel, Data & Instruction

- a. PTSA Wingo
- b. Shelter Island Educational Foundation Grant Celebration

17. Superintendent Report

- a. Science Fair
- b. Tree Lighting
- c. Academic Committee Update

18. Board Member Reports

19. Student Liaison Report

20. Visitor Comments

21. Executive Session - *It is expected that the Board of Education will enter Executive Session at the end of this scheduled public meeting, to discuss the employment of particular individuals in the District.*

22. Adjournment

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students, staff and certain “non-employees” (which includes contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender, gender identity, gender expression and/or sexual orientation is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board of Education further recognizes that preventing and remedying sexual harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and “non-employees” can work productively.

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board of Education condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the District. Since sexual violence is a form of sexual harassment, the term “sexual harassment” in this policy will implicitly include sexual violence, even if not explicitly stated, or outside the school setting if the harassment impacts the individual’s education or employment in a way that violates their legal rights.

Sexual Harassment Defined

“Sexual harassment” means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature.

“Gender-based harassment” means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity or expression.

Sexual or gender-based harassment occurs when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or “non-employee’s” employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's or “non-employee’s” employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's or “non-employee’s” work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

“Sexual violence” means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A person may be incapable of giving consent due to age, drug or alcohol use, or an intellectual or other disability. Sexual violence includes, but is not limited to, acts such as rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment.

Because sexual harassment can occur staff to student, staff to staff, student to student, student to staff, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student, employee or “non-employee”.

Under various state and federal laws, students, employees and “non-employees” have legal protections against sexual harassment in the school environment as described above. The School District’s Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders. Where alleged sexual harassment involves discrimination, harassment, and/or bullying as defined by the Dignity of All Students Act (DASA) and the District’s DASA policy (7550), the appropriate guidelines set forth therein shall also apply.

Prohibited Conduct

School-related conduct that the School District considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "nuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

For purposes of this policy, action or conduct shall be considered "unwelcome" if the student or employee did not request or invite it and regarded the conduct as undesirable or offensive.

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment; and
9. any other matters considered relevant.

Reporting Complaints

In order for the Board of Education to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The School District will promptly investigate all complaints of sexual harassment, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner.

The School District will designate a Compliance Officer. In addition, the Board of Education will designate an individual for compliance with Title IX in regard to sexual harassment so that individuals who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

Victims of sexual harassment are urged to come forward and to make reports of such sexual harassment to the Compliance Officer and/or Title IX coordinator without fear of retaliation or intimidation. Due to the sensitive and serious nature of these complaints, investigations or allegations of sexual harassment will be conducted with due regard for confidentiality. It is the School District's policy to respect the privacy of all parties and witnesses to complaints of sexual harassment.

In order to assist investigators, victims should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the victim's response to the harassment.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Compliance Officer or second designee shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Compliance Officer or second designee should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

As soon as possible, but no later than three (3) school days following receipt of a complaint, the Compliance Officer or second designee should begin an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing him or her of the School District's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
8. Parent/Student/Employee Involvement and Notification

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

- a. Parents of student victims and accused students shall be notified within one (1) school day of allegations that are serious or involve repeated conduct.
- b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
- c. If either the victim or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the Committee on Special Education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
- d. The Compliance Officer or second designee (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent of Schools.
- e. The investigator shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
- f. The investigator shall notify the victim that if he/she desires further investigation and action, he/she may request a School District level investigation by contacting the Superintendent of Schools. The investigator shall also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent of Schools, who shall then take prompt disciplinary action in accordance with School District policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Compliance Officer or second designee contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent of Schools. In addition, where the Compliance Officer or second designee has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent of Schools, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a School District employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

Any party who is not satisfied with the outcome of the initial investigation by the Compliance Officer or second designee may request a School District-level investigation by submitting a written complaint to the Superintendent of Schools within thirty (30) school days.

B. School District-level Procedure

The Superintendent of Schools shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by the Compliance Officer or second designee, as well as those appealed to the Superintendent of Schools following an initial investigation by the Compliance Officer or second designee. In the event the complaint of sexual harassment involves the Superintendent of Schools, the complaint shall be filed with or referred to the Board of Education President, who shall refer the complaint to a trained investigator not employed by the School District for investigation.

The School District level investigation should begin as soon as possible but not later than three (3) school days following receipt of the complaint by the Superintendent of Schools or Board of Education President.

In conducting the formal School District level investigation, the School District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a School District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, School District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than thirty (30) school days following receipt of the complaint, the Superintendent of Schools (or in cases involving the Superintendent of Schools, the Board of Education-appointed investigator) will notify the victim and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent of Schools or Board of Education-appointed investigator will provide all parties with a written status report within thirty (30) school days following receipt of the complaint.

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, victims have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

Employee victims also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

The School District may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have twenty-one (21) calendar days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven (7) calendar days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

Confidentiality

It is the School District's policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the School District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the School District's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the School District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the School District's ability to respond to his/her complaint;
2. School District policy and federal law prohibit retaliation against complainants and witnesses;
3. the School District will attempt to prevent any retaliation; and
4. the School District will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the School District from responding effectively to the harassment and preventing the harassment of other students or employees.

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

Corrective Action

If, after appropriate investigation, the School District finds that a student, an employee, “non-employee” or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, School District policy and State law or Federal law.

Individual nondisclosure agreements may only be used as permitted by law. Mandatory arbitration clauses concerning sexual harassment claims are prohibited in all School District contracts and agreements.

Retaliation Prohibited

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind. Any act of retaliation against any person who complains of sexual harassment, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, posts on social media platforms, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Complaints of retaliation may be directed to the Compliance Officer. In the event the Compliance Officer is the alleged offender, the report will be directed to another Compliance Officer, if the School District has designated another individual to serve in such a capacity, or to the Superintendent of Schools.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that none of the individuals involved in the investigation of sexual harassment have suffered any retaliation.

Legal Protections and External Remedies

As stated above, sexual harassment is not only prohibited by the School District but is also prohibited by state, federal, and, where applicable, local law. Complainants are advised that the School District’s internal investigatory procedures do not toll the time within which claims are required to be filed pursuant to federal, state or local law.

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 employees, paid or unpaid

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

interns and non-employees, 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 at 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 School District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You 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.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You 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 U.S.C. § 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.

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

An employee 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. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The U.S. Department of Education’s Office for Civil Rights (OCR) is responsible for the enforcement of Title IX. OCR evaluates, investigates, and resolves complaints alleging sex discrimination. OCR also conducts proactive investigations, called compliance reviews, to examine potential systemic violations based on sources of information other than complaints.

For assistance related to Title IX or other civil rights laws, please contact [OCR](#) at OCR@ed.gov or 800-421-3481, TDD 800-877-8339.

Dignity for All Students Act

The Dignity for All Students Act (DASA), codified as N.Y. Education Law, Art. 2, § 10 et seq., protects all students from harassment, bullying and discrimination while on school grounds and during school activities based on numerous protected classes, including, but not limited to sexual orientation, gender (including gender identity and expression), and sex. A complaint alleging a violation of DASA may be made to one of the School District’s Dignity Act Coordinators and/or any staff member in accordance with the School District’s policy.

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. 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.

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Sexual harassment by employees is considered employee misconduct. Disciplinary measures available to school authorities include, but are not limited to the following:

- Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.
- Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights. Discipline may also be imposed upon management and administrators who knowingly allow prohibited behavior to continue.
- Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.
- Vendors: Penalties may range from a warning up to and including loss of School District business.
- Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Post Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. In the discretion of the District, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

In recognition of the trauma experienced by victims of sexual harassment, the victims will be referred to an appropriate local counseling service or the Employee Assistant Program.

Complaint Records

Upon written request, complainants should receive a copy of any resolution reports filed by the supervisor/compliance officer concerning his/her complaint. Upon substantiation, copies should also be filed with the employment records of both the complainant and the alleged harasser.

Training

In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment including but not limited to the following:

1. All students and employees shall be informed of this policy in student and employee handbooks and/or student registration materials. A poster summarizing the policy shall be posted in a prominent location at the school. All student body officers shall receive district training about the policy at the beginning of each school year.
2. All new employees shall receive information about the policy and procedures concerning the prohibition against sexual harassment at regularly scheduled employee orientation(s). All other employees shall be provided information at least
3. once a year regarding this policy and school district's commitment to a harassment-free learning and working environment. Principals, Title IX Officer/Coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive a yearly training on this policy, procedures and related legal developments.
4. The principal shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the victim.

Age appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

Annual employee training programs shall include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual

SUBJECT: PROHIBITION AGAINST SEXUAL HARASSMENT (continued)

harassment and remedies available to victims of sexual harassment; and (iv) information concerning employees' right to make complaints and all available forums for investigating complaints.

This policy shall be posted in a prominent place in the school and shall also be published in student registration materials, student, parent and employee handbooks, the District website and other appropriate school publications.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

First Reading: November 18, 2019

Second Reading: _____

Adoption: _____

SUBJECT: ACCIDENTS AND MEDICAL EMERGENCIES**Student Emergency Treatment**

All staff members of the District are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances, first aid should be rendered and then the parent should be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR), and Automated External Defibrillators (AEDs).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called ~~if warranted. This solution will be used after other alternatives, including parent or person in parental relation contact, have been made.~~ The District will make all reasonable attempts to contact a parent or person in parental relation when determining if emergency treatment is necessary.

Insurance

The Board will approve provisions for all students to be covered by group insurance. These student accident insurance policies will be a co-insurance with family coverage(s) as primary.

Education Law §§ 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

NOTE: Refer also to Policy #7420 -- Sports and the Athletic Program

Adoption Date: 11/19/07

First Read: _____

Second Read: _____

Revised: _____

SUBJECT: CONCUSSION MANAGEMENT

The Board recognizes that concussions and head injuries are the most commonly reported injuries in children and adolescents who participate in sports and recreational activities. **The physical and mental well-being of District students is a primary concern. As such, the District supports the proper evaluation and management of concussion injuries.**

A concussion is a mild traumatic brain injury (MTBI) that occurs when normal brain functioning is disrupted by a blow or jolt to the head **or body that causes the head and brain to move rapidly.** Recovery from concussion **and its symptoms** will vary. Avoiding re-injury and over-exertion until fully recovered are the cornerstones of proper concussion management.

Concussion Management Team (CMT)

The District is authorized, at its discretion, to establish a Concussion Management Team (CMT) which may be composed of the certified athletic director, a school nurse, the school physician, a coach of an interscholastic team, a certified athletic trainer or such other appropriate personnel as designated by the District. The CMT will oversee and implement the District's concussion policy, including the requirement that all school coaches, physical education teachers, nurses, and certified athletic trainers who work with and/or provide instruction to pupils engaged in school-sponsored athletic activities complete training relating to MTBIs. Furthermore, every CMT may establish and implement a program which provides information on MTBIs to parents and persons in parental relation throughout each school year.

Staff Training/Course of Instruction

Each school coach, physical education teacher, school nurse, and certified athletic trainer who works with and/or provides instruction to students in school-sponsored athletic activities will complete a course of instruction every two years relating to recognizing the symptoms of concussions or MTBIs and monitoring and seeking proper medical treatment for students who suffer from a concussion or MTBI.

Components of the training will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

(Continued)

Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The course can be completed by means of instruction approved by State Education Department (SED) which include, but are not limited to, courses provided online and by teleconference. The CMT will utilize the District's existing system to document all required training and professional development for District staff. Upon completion of the training each year, staff will forward their course completion certificate to the appropriate staff for entry into the system. The system will also use an email to remind staff of the need to complete the training each year. Because concussion symptoms may manifest themselves in any setting, all school staff will be encouraged to take the online training and be alert for students who may display or report concussion symptoms.

Information to Parents and Students

The District will include the following information on MTBIs or concussions in any permission or consent form or similar document that may be required from a parent or person in parental relation for a student's participation in interscholastic sports. Similar information will be provided to all students when they sign up for participation in sports and/or through information provided in physical education, health or mental health classes. Information will include:

- a) The definition of MTBI;
- b) Signs and symptoms of MTBI;
- c) How MTBIs may occur;
- d) Practices regarding prevention; and
- e) Guidelines for the return to school and school activities for a student who has suffered an MTBI, even if the injury occurred outside of school.

The District will provide a link on its website to this list of information from the SED's and Department of Health's websites.

Identification of Concussion and Removal from Athletic Activities

The District requires the immediate removal from all athletic activities of any student who has sustained, or is believed to have sustained, a MTBI or concussion. Any student demonstrating signs, symptoms, or behaviors consistent with a concussion while participating in a class, extracurricular activity, or interscholastic athletic activity will be removed from the class, game, or activity and must be evaluated as soon as possible by an appropriate health care professional. This removal must occur based on display of symptoms regardless of whether the injury occurred inside or outside of school. If there is any doubt as to whether the student has sustained a concussion, it will be presumed that the student has been injured until proven otherwise. The District will notify the student's parents or guardians and recommend appropriate evaluation and monitoring.

(Continued)

Students

SUBJECT: CONCUSSION MANAGEMENT (Cont'd.)

The District may allow credentialed District staff to use validated neurocognitive computerized testing as a concussion assessment tool to obtain baseline and post-concussion performance data. These tools are not a replacement for a medical evaluation to diagnose and treat a concussion. The District must seek authorization from the parent/guardian prior to the testing. Additionally, parents/guardians should be given a copy of the results upon request.

Return to School Activities and Athletics

The student will not return to physical activity (including athletics, physical education class, and recess) until he or she has been symptom-free for at least 24 hours, and has been evaluated and received written authorization from a licensed physician. In accordance with Commissioner's regulations, the District's Medical Director will give final clearance on a return to activity. ~~physical education and after school sports~~. All authorizations will be kept on file in the student's permanent health record. The standards for return to athletic activity will also apply to injuries that occur outside of school as long as the district has been notified of said injury. School staff should be aware that students may exhibit concussion symptoms caused by injuries from outside activities and that these visible symptoms also indicate a removal from play.

The District will follow any directives issued by the student's treating physician with regard to limitations and restrictions on school and athletic activities for the student. The District will also develop a coordinated communication plan among appropriate staff to ensure that the treating physician's orders for post-concussion management are implemented and followed. The school nurse will work to ensure that all the necessary staff get the information they need to care for and work with the injured student.

The District's Medical Director and other licensed healthcare professionals employed by the District may will also formulate a ~~standard protocol for treatment~~ procedure and treatment plan to be utilized by District staff who may respond to ~~of~~ students or staff with possible concussions during the school day.

In accordance with SED guidelines, this policy will be both reviewed ~~periodically~~ and updated as ~~necessary periodically in accordance with SED guidelines~~. The Superintendent, in consultation with the District's Medical Director and other appropriate staff, may develop regulations and protocols for strategies to prevent concussions, the identification of concussions, and procedures for removal from and return to activities or academics.

Education Law § 305(42)

8 NYCRR §§ 135.4 and 136.5

Guidelines for Concussion Management in ~~the~~ Schools ~~Setting~~, SED Guidance Document, ~~June~~ 2012~~8~~

Adoption Date: 01/09/12

First Reading: _____

Second Reading: _____

Revised Date: _____