Agenda

Glen Cove Board of Education

Wednesday, July 22, 2026 at 7:00 PM

Robert Finley Middle School

Via Livestream: www.glencoveschools.org

Page

I. Opening Ceremony - 6:00PM

A) Anticipated Executive Session

B) Return to Public Session - 7:00PM

C) Salute to the Flag

D) Roll Call

II. Approval of Minutes of the Board of Education Meeting

A) Minutes of July 1, 2026 Reorganization - Presented by District Clerk 4

Reorganization Meeting - Jul 01 2026 - Minutes - Html

B) Minutes of July 1, 2026 - Presented by District Clerk 18

Regular Meeting - New - Jul 01 2026 - Minutes - Html

III. Committee Reports

A) Audit Committee
1. Anne Markoulis
2. Brett Miller
3. Maria Venuto

B) Policy Committee
1. Lia Leone
2. Brett Miller
3. Robert Nosek

C) Education Committee
1. Maureen Jimenez
2. Lia Leone
3. Anne Markoulis

D) Facilities Committee
1. Brett Miller
2. Robert Nosek
3. Maria Venuto

IV. Student Board Member Report- No Reports

V. Superintendent Report

A) Updates

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VI. Public Participation on Agenda Items

This section gives opportunity to residents who wish to raise a question or make a brief statement on agenda items.

VII. Instructional Report

A) Committee on Special Education -BOE INSTRUCTIONAL REPORT - CSE.pdf 38

B) Committee on Preschool Special Education - BOE INSTRUCTIONAL REPORT - CPSE.pdf 114

VIII Business Affairs

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A) Finance - No Reports

B) Business Affairs - Operations 134

1. Appointment - 2026-2027 District-Wide Safety Team and Chief Emergency Officer (1)BOE BUSINESS AFFAIRS - OPERATIONS - DW Safety Team and CEO 2026-27.pdf
2. Adoption of the District-Wide Safety Plan- 2026-2027 (2)BOE BUSINESS AFFAIRS - OPERATIONS -DW Safety Plan 2026-27.pdf
3. Budget Transfers - (3)BOE BUSINESS AFFAIRS - OPERATIONS - Budget Transfers 2025-2026..pdf
4. Contracts - SEDCAR -(4)BOE BUSINESS AFFAIRS - OPERATIONS - Contracts - SEDCAR 7-22-26.pd
5. Contract - RS Tuition Student Services - (5)BOE BUSINESS AFFAIRS - OPERATIONS - Tuition-RS Student Services-7-22-26.pdf

IX. Personnel

A) Certified 7-22-26 BOE CERTIFIED PERSONNEL AGENDA.pdf 194

1. Appointment of Probationary Teachers
2. Appointment of Part-Time Teacher
3. Appointment of Permanent Substitute Teacher
4. Appointment of Teacher for Extended School Year Special Education Program
5. Request for Leave of Absence
6. Resignation
7. Rescission of Appointment

B) Classified 7-22-26 BOE CLASSIFIED PERSONNEL AGENDA.pdf 198

1. Appointment of School Monitor
2. Additional Hours of Employment

X. Unfinished Business

XI. New Business 200

1. **GC Policy # 0115 (New Policy) First Reading Glen Cove Policy 0115 Title IX and Sex Discrimination - (Update).pdf**
2. **GC Policy # 0110 (Update) First Reading Glen Cove Policy 0110 PROHIBITION AGAINST SEXUAL HARASSMENT - (Update)..pdf**

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3. **GC Policy # 0100 (Update) First Reading** Glen Cove Policy 0100 NON-DISCRIMINATION AND EQUAL OPPORTUNITY - (Update).pdf
4. **GC Policy # 0120 (Update) First Reading** Glen Cove Policy 0120 PROHIBITION AGAINST BULLYING - (Policy Update).pdf
5. **GC Policy # 5454 (New Policy)** GC Policy 5454 Student Use of Automobiles, E-BIKE, & SCOOTER (New Policy) (2)..pdf

XII. Board Comments

XIII Public Participation

- This section gives opportunity to residents who wish to raise a question or make a brief statement on matters including, but not limited to, agenda items.

XIV. Adjournment

XV. Executive Session (if necessary)

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VII. **Instructional Report**

A. Committee on Special Education

RESOLVED, on the recommendation of the Superintendent of Schools, the Board of Education approves the recommendations of the Committee on Special Education for Initial Placement Programs/Services for cases listed as per the attached from meetings and approves the authorization of funds to implement the special education programs and services.

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VII. **Instructional Report**

B. Committee on Preschool Special Education

RESOLVED, on the recommendation of the Superintendent of Schools, the Board of Education approves the recommendations of the Committee on Preschool Special Education for Initial Placement Programs/Services for cases listed as per the attached from meetings.

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Regular Meeting – Board of Education – July 22, 2026

VIII. Business Affairs

B. Operations

1. Appointment – 2026-2027 District Wide Safety Team and District Chief Emergency Officer

BE IT RESOLVED, upon the recommendation of the Superintendent of Schools, the Board of Education appoints the following members to the 26-27 District Wide Safety Team:

School Board Member: Meghan Lavine
Central Administration: Alexa Doeschner
Central Administration: Theresa Kahan
Teacher Organization: Alison Fletcher, Steven Bromberg
Parent Organization: Alexis DiMaggio, Kelley Montesano
School Safety Personnel: Joel Varughese
Transportation: Paul Mori
Glen Cove High School Principal: Allen Hudson III
Finley Middle School Principal: Nelson Iocolano
Deasy Elementary School Principal: Erin Nastri
Gribbon Elementary School Principal: Randy Arnold
Landing Elementary School Principal: TBD
Connolly Elementary School Principal: Farrah Feygis
Health: Debra Manzione
Director of Facilities: Daniel Novak
Glen Cove Police Department: Christopher Ortiz and/or Peter DiMaggio
Glen Cove Fire Department: Joseph Solomito

BE IT FURTHER RESOLVED, the Board of Education appoints Dr. Alexa Doeschner, Superintendent, as the District Chief Emergency Officer

Draft

Regular Meeting – Board of Education – July 22, 2026

VIII. Business Affairs

B. Operations

2. Adoption of District-Wide Safety Plan

BE IT RESOLVED, on the recommendation of the Superintendent of Schools, The Board of Education adopts the District-Wide Safety Plan for the 2026-2027 school year.

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Regular Meeting – Board of Education – July 22, 2026

VIII. Business Affairs

B. Operations

3. Budget Transfers

RESOLVED, on the recommendation of the Superintendent of Schools, the Board approves the attached 2025-2026 budget transfers.

Account Code	Account Name	Transfer In	Transfer Out
A 1620 164 08	Salary Security HS	$ 21,585.65	
A 1620 164 04	Salary Security Gribbin		$ 21,585.65
A 1620 477 07	Electric MS	$ 17,714.10	
A 1620 477 08	Electric HS	$ 10,603.95	
A 1620 463	Environmental Compliance		$ 28,318.05
A 2110 132	Terminal Leave	$ 567,900.47	
A 9060 800 01	Hospital/Medical Insurance		$ 567,900.47
A 2110 136	Xtra Classes	$ 47,654.65	
A 2110 137	Health Insurance Buyback		$ 47,654.65
A 2110 140 07	Salary Substitutes MS	$ 10,003.91	
A 2110 162 07	Salary Teaching Asst. MS		$ 10,003.91
A 2250 151	Home Tutoring	$ 39,658.85	
A 2250 150 08	Salary Teach Spec Ed HS		$ 39,658.85
A 2250 465	Home Tutoring Contractual	$ 18,056.29	
A 2250 470	Tuition Spec Ed Students		$ 18,056.29
A 9040 800	Workers Compensation Claims	$ 25,686.36	
A 9060 800 02	Medicare Refunds		$ 25,686.36
TOTALS		**$ 758,864.23**	**$ 758,864.23**
To transfer funds to cover negative balances			

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VIII. **Business Affairs**

B. Operations

4. Contracts – SEDCARS

RESOLVED, on the recommendation of the Superintendent of Schools, the Board of Education approves the SEDCAR contracts summarized below and authorizes the President of the Board of Education to sign such contracts upon approval:

Provider: **Brookville Center for Children's Services, Inc.**
Address: 189 Wheatley Road
Brookville, NY 11545
Service: SEDCAR- 611 and 619 grants
Rate: 611 grant $1,421 per student, related services $474 per student
619 grant $354 per student, related services $118 per student

Provider: **Cam-Held Enterprises, Inc.**
dba Just Kids Early Childhood Learning Center
Address: 300 Garden City Plaza, Suite 350
Garden City, NY 11530
Service: SEDCAR- 611 and 619 grants
Rate: 611 grant $1,421 per student, related services $474 per student
619 grant $354 per student, related services $118 per student

Provider: **Devereux Advanced Behavioral Health**
Address: 40 Devereux Way
Red Hook, NY 12571
Service: SEDCAR- 611 and 619 grants
Rate: 611 grant $1,421 per student, related services $474 per student
619 grant $354 per student, related services $118 per student

Provider: **Kidz Therapy Services**
Address: 300 Garden City Plaza, Suite 350
Garden City, NY 11530
Service: SEDCAR- 611 and 619 grants
Rate: 611 grant $1,421 per student, related services $474 per student
619 grant $354 per student, related services $118 per student

Provider: **Nassau BOCES**
Address: 71 Clinton Road
Garden City, NY 11530
Service: SEDCAR- 611 and 619 grants
Rate: 611 grant $1,421 per student, related services $474 per student
619 grant $354 per student, related services $118 per student

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Provider: **New York Therapy Placement Services, Inc.**
Address: 299 Hallock Ave
Port Jefferson Station, NY 11776
Service: SEDCAR- 611 and 619 grants
Rate: 611 grant $1,421 per student, related services $474 per student
619 grant $354 per student, related services $118 per student

Provider: **Tiegerman School**
Address: 100 Glen Cove Avenue
Glen Cove, NY 11542
Service: SEDCAR- 611 and 619 grants
Rate: 611 grant $1,421 per student, related services $474 per student
619 grant $354 per student, related services $118 per student

Provider: **Woodward Children's Center**
Address: 201 West Merrick Road
Freeport, NY 11520
Service: SEDCAR- 611 and 619 grants
Rate: 611 grant $1,421 per student, related services $474 per student
619 grant $354 per student, related services $118 per student

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VIII. **Business Affairs**

B. Operations

5. Contracts – Student Services

RESOLVED, on the recommendation of the Superintendent of Schools, the Board of Education approves the student service contracts as summarized below and authorizes the President of the Board to sign such contract upon approval:

Provider:	**Henry Viscardi School**
Address:	201 I.U. Willets Road Albertson, NY 11507
Service:	Tuition
Rate:	Per NYS Education Dept.

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GLEN COVE CITY SCHOOL DISTRICT

TITLE IX AND SEX DISCRIMINATION **Policy 0115**

The School District is committed to creating and maintaining education programs and activities which are free from discrimination and harassment on the basis of sex. This policy addresses complaints of sex discrimination, including sexual harassment, made under Title IX of the Education Amendments Act of 1972 and its implementing regulations ("Title IX"). It is just one component of the School District's overall commitment to maintaining an educational and work environment free from discrimination and harassment.

Title IX protects individuals in the United States from discrimination on the basis of sex in education programs or activities that receive Federal financial assistance.

Scope and Application of Policy

This policy is limited to addressing complaints of sex discrimination, including sexual harassment, that fall within the scope of Title IX, which has a specific definition of "sexual harassment" and applies only to sex discrimination occurring against a person in the United States. This policy applies to any individual participating in or attempting to participate in the School District's education programs or activities, including students and employees.

Other School District policies and documents address sex-based discrimination and may have different definitions, standards of review, and grievance procedures. These policies and documents must be read in conjunction with this policy as they may cover incidents of sex-based discrimination which are not covered by Title IX. *See* policies 0100 [Equal Opportunity], 0110 [Prohibition Against Sexual Harassment], and 0120 [Prohibition Against Bullying].

If the allegations forming the basis of a formal complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the grievance process outlined in this policy shall be applied to the investigation and adjudication of all the allegations. Depending on the allegations, additional grievance procedures may apply.

The dismissal of a formal complaint of sexual harassment under Title IX does not preclude action under another related School District policy, procedure, collective bargaining agreement, or other document such as the School District's Code of Conduct.

Sex Discrimination Covered by Title IX

Title IX prohibits various types of sex discrimination including, but not limited to:

sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in a School District's courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

a. An employee of the School District conditioning the provision of an aid, benefit, or service of the School District on an individual's participation in unwelcome sexual conduct;

b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School District's education program or activity;

c. Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;

d. Dating violence, meaning violence committed by a person:

    1. who is or has been in a social relationship of a romantic or intimate nature with the victim; and

    2. where the existence of such a relationship will be determined based on a consideration of the following factors:
        i. length of the relationship;
        ii. type of relationship;
        iii. frequency of interaction between the persons involved in the relationship;

e. domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

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f. stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or suffer substantial emotional distress.

Title IX Coordinator

The Board of Education will designate an individual(s) to serve as its Title IX Coordinator(s).

The Title IX Coordinator(s) will coordinate the School District's efforts to comply with its responsibilities under Title IX.

Where appropriate, the Title IX Coordinator(s) may seek the assistance of the School District's Civil Rights Compliance Officer(s) ("Compliance Officer(s)") and/or Dignity Act Coordinator(s) ("DAC(s)") in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.

In all circumstances, the Board of Education reserves the right to appoint an outside third party to investigate complaints filed pursuant to this policy.

Reporting Allegations of Sex Discrimination

Any person may report sex discrimination, including sexual harassment, regardless of whether they are the alleged victim or not. Reports of sex discrimination, including sexual harassment, should be reported to the Title IX Coordinator. Reports of sex discrimination, including sexual harassment, may also be made to any other School District employee including a supervisor, building principal, or the School District's Compliance Officer or DAC. All reports of sex discrimination, including sexual harassment, will be forwarded to the School District's Title IX Coordinator.

If the Title IX Coordinator has a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if the School District has designated another individual to serve in that capacity. If the School District has not designated another Title IX Coordinator, the Superintendent of Schools will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

All School District employees who witness or receive an oral or written report of sex discrimination must immediately inform the Title IX Coordinator. Failure to immediately

inform the Title IX Coordinator may subject the employee to discipline, up to and including termination.

Reports may be made at any time (including during non-business hours) either in person or by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report.

Making a report of sexual harassment is not the same as filing a formal complaint of sexual harassment. A formal complaint is a document either filed by a Complainant or a parent or person in parental relation who has a right to act on behalf of the Complainant or signed by the Title IX Coordinator which alleges sexual harassment against a Respondent and requests that the School District investigate the allegations. While the School District must respond to all reports it receives of sexual harassment, the Title IX grievance process is only initiated with the filing of a formal complaint.

In addition to this policy, School District employees must comply with any other applicable School District policy, procedure, collective bargaining agreement, or other document such as the School District's Code of Conduct and Policy 0120 -- Prohibition Against Bullying (DASA).

Grievance Process for Complaints of Sex Discrimination Other than Sexual Harassment

The School District will provide for the prompt and equitable resolution of reports of sex discrimination other than sexual harassment. In responding to these reports, the Title IX Coordinator will utilize, as applicable, the grievance process set forth in Policy #0100 -- Equal Opportunity and any other applicable School District policy, procedure, collective bargaining agreement, or other document such as the School District's Code of Conduct.

Grievance Process for Formal Complaints of Sexual Harassment

The School District will respond to allegations of sexual harassment whenever it has actual knowledge of sexual harassment in an education program or activity of the School District. For purposes of reports and formal complaints of sexual harassment under Title IX, education program or activity includes locations, events, or circumstances over which the School District exercised substantial control over both the Respondent(s) and the context in which the sexual harassment occurred.

The School District will conduct the grievance process in a timely manner designed to

provide all parties with a prompt and equitable resolution. It is anticipated that, in most cases, the grievance process will be conducted within a reasonably prompt manner and follow the time frames established in this policy.

Definitions

a. "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a School District's Title IX Coordinator or any official of the School District who has authority to institute corrective measures on behalf of the School District, or to any School District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the School District with actual knowledge is the Respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the School District. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this policy.

b. "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

c. "Days" means business days, but excludes any weekday during which the school is closed.

d. "Formal complaint" means a document filed by a Complainant, or a parent or person in parental relation who has a right to act on behalf of the Complainant, or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the School District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the School District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the School District. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by the School District) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal

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complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a Complainant or otherwise a party, and must comply with the requirements of law and regulation.

e. "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

f. "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. These measures are designed to restore or preserve equal access to the School District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The School District must maintain as confidential any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the School District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

General Requirements for the Investigative and Grievance Process

During the investigation of a formal complaint of sexual harassment and throughout the grievance process, the School District will:

a. treat Complainants and Respondents equitably. This includes applying any provisions, rules, or practices incorporated into the School District's grievance process, other than those required by law or regulation, equally to both parties.

b. objectively evaluate all relevant evidence, including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.

c. confirm that the Title IX Coordinator, investigator, decision-maker involved in the grievance process, or any person designated by the School District to facilitate any informal resolution process does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

d. presume that Respondents are not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

e. conclude the grievance process, including any appeals or informal resolutions, within a reasonably prompt time frame and temporarily delay or extend the grievance process only for good cause. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all Complainants and Respondents of the delay or extension and the reasons for the action.

f. describe the range of possible disciplinary sanctions and remedies that may be implemented by the School District following any determination regarding responsibility to any known party.

g. use the same standard of evidence to determine responsibility in all formal complaints.

h. make the procedures and permissible bases for an appeal known to all Complainants and Respondents.

i. make the range of supportive measures available known to all Complainants and Respondents.

j. avoid the requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.

k. assume the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility, and not place such burdens on the parties.

l. prohibit the Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf the School District from accessing, considering, disclosing, or otherwise using a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the School District obtains that party's voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in FERPA as a student who has reached 18 years of age or is attending a post-secondary institution, the School District will obtain the voluntary, written consent of a parent.

m. afford the parties an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.

n. abstain from basing credibility determinations on a person's status as a Complainant, Respondent, or witness.

o. afford all parties the ability to discuss the allegations under investigation and to gather and present relevant evidence.

p. afford the parties the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for any Complainant or Respondent in any meeting or grievance proceeding. However, the School District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

q. provide written notice of the date, time, location, participants, and purpose for all investigative interviews and other meetings to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.

r. provide the parties with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the School District does not intend to rely on in reaching a determination regarding responsibility and

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inculpatory or exculpatory evidence whether obtained from a party or other source so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.

s. send a copy of any document which is sent to a minor or legally incompetent person to the party's parent or person in parental relation.

t. send a copy of any document which is sent to a party to the party's advisor, if known.

After a Report of Sexual Harassment Has Been Made

After receiving a report of sexual harassment, the Title IX Coordinator will:

a. promptly contact the Complainant to discuss and offer supportive measures;

b. inform the Complainant both of the range of supportive measures available and that these measures are available regardless of whether a formal complaint is filed;

c. consider the Complainant's wishes with respect to supportive measures; and

d. explain to the Complainant the process for filing a formal complaint.

The Title IX Coordinator may also contact the Respondent to discuss and/or impose supportive measures.

Requests for confidentiality or use of anonymous reporting may limit how the School District is able to respond to a report of sexual harassment.

Emergency Removal of Students

At any point after receiving a report or formal complaint of sexual harassment, the School District may immediately remove a Respondent who is a student from the School District's education program or activity on an emergency basis, provided that the School District:

a. conducts an individualized safety and risk analysis;
b. determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies

removal; and

c. provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

The School District should coordinate their Title IX compliance efforts with special education staff when initiating an emergency removal of a student with a disability from an education program or activity as the removal could constitute a change of placement under the IDEA or Section 504.

Filing a Formal Complaint

A Complainant may file a formal complaint with the Title IX Coordinator in person or by mail, email, or other method made available by the School District. The Complainant must be participating in or attempting to participate in the education program or activity of the School District at the time of filing the complaint. The filing of a formal complaint initiates the grievance process.

A formal complaint must be signed by the Complainant, the Complainant's parent or person in parental relation as appropriate, or the Title IX Coordinator. Where a parent or person in parental relation signs the complaint, the parent or person in parental relation does not become the Complainant; rather the parent or person in parental relation acts on behalf of the Complainant. The Title IX Coordinator may sign the formal complaint, but their signature does not make them a Complainant or a party to the complaint. If the formal complaint is signed by the Title IX Coordinator, the Title IX Coordinator is still obligated to comply with the grievance process outlined in this policy.

The Complainant, or the Complainant's parent or person in parental relation, must physically or digitally sign the formal complaint, or otherwise indicate that the Complainant is the person filing the formal complaint. When a formal complaint is filed, the Title IX Coordinator must send a written notice of allegations to all parties which includes the identities of all known parties.

The School District will not discriminate on the basis of sex in its treatment of a Complainant or a Respondent in responding to a formal complaint of sexual harassment. The formal complaint form may be obtained from the School District's Title IX Coordinator or found on the School District's website.

Consolidation of Formal Complaints

The School District may consolidate formal complaints of sexual harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Written Notice of Allegations

Upon receipt of a formal complaint, the School District will send all known parties written notice of:

a. the School District's grievance process, including any informal resolution process; and

b. the allegations of sexual harassment which will:

1. provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;

2. state that the Respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

3. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;

4. inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and

5. include notice of any provision in any applicable School District policy, procedure, collective bargaining agreement, or other document such as the School District's Code of Conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the School District decides to investigate allegations

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about any Complainant or Respondent that were not included in the initial notice, the School District will provide another notice of the additional allegations to the parties whose identities are known.

Investigation of a Formal Complaint

The Title IX Coordinator will oversee the School District's investigation of all formal complaints. During the investigation of a formal complaint, the Title IX Coordinator or another School District employee may serve as the School District's investigator. The School District may also outsource all or part of an investigation to appropriate third parties. The outsourcing of all or part of an investigation does not relieve the School District from its obligation to comply with law and regulation.

It is anticipated that most investigations will be completed within thirty (30) days after receiving a formal complaint. During the investigation of a formal complaint, the investigator will, as appropriate:

a. Collect, review, and preserve all evidence including, but not limited to, any relevant documents, videos, electronic communications, and phone records.

b. Interview all relevant persons including, but not limited to, any Complainants, Respondents, and witnesses. Interviews of Complainants and Respondents will be conducted separately. If a student is involved, the School District will follow any applicable School District policy, procedure, or other document such as the School District's Code of Conduct regarding the questioning of students.

c. 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; and

    4. A summary of prior relevant incidents, reported or unreported.

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d. Keep any written documentation and associated documents in a secure and confidential location.

Prior to completion of the investigative report, the School District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten (10) days to submit a written response, which the investigator will consider prior to completion of the investigative report.

At the end of the investigation, an investigative report will be created that fairly summarizes all relevant evidence.

At least ten (10) days prior to a determination regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review and written response.

Dismissal of a Formal Complaint

The School District must dismiss a formal complaint under Title IX if the conduct alleged in the formal complaint:

a. Would not constitute sexual harassment, as defined in Title IX, even if proven;

b. Did not occur in the School District's education program or activity; or

c. Did not occur against a person in the United States.

Further, the School District may dismiss a formal complaint or any of its allegations under Title IX, if at any time during the investigation:

a. The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any of its allegations;

b. The Respondent is no longer enrolled or employed by the School District; or

c. Specific circumstances prevent the School District from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.

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Upon a dismissal of a formal complaint, the School District will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude action under another related School District policy, procedure, collective bargaining agreement, or other document such as the School District's Code of Conduct.

Informal Resolution

Before reaching a determination regarding responsibility, but only after a formal complaint is filed, the School District may offer and facilitate the use of an informal resolution process, such as mediation, that does not involve a full investigation and adjudication of the formal complaint.

It is anticipated that most informal resolutions will be completed within ten (10) days.

The School District will not require that parties participate in an informal resolution process. The School District will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Further, the School District will not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

If the School District offers and facilitates the use of an informal resolution process, it will:

a. Provide written notice to all known parties which details:

    1. The allegations in the formal complaint;

    2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;

    3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and

b. Obtain the parties' voluntary, written consent to the informal resolution process.

Determination Regarding Responsibility

The School District has designated and authorized the Superintendent of Schools to serve as the decision-maker for the School District. However, where appropriate, a third-party may be designated as decision-maker. The decision-maker will not be the same individual as either the Title IX Coordinator or the investigator(s).

Before reaching a determination regarding responsibility, the Superintendent of Schools will afford each party the opportunity to:

a. Submit written, relevant questions that a party wants asked of any party or witness. Such submission must be received within ten (10) days after the parties have received the investigative report;

b. Provide each party with the answers given by any party or witness within ten (10) days.

c. Allow for additional, limited follow-up questions and responses from each party to occur within five (5) days after the parties have received responses to their initial questions.

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Questions and evidence about a Complainant's sexual predisposition or prior sexual behavior will not be considered, unless the questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The Superintendent of Schools will explain to the party proposing the questions any decision to exclude a question as not relevant.

The Superintendent of Schools will issue a written determination regarding responsibility to the Title IX Coordinator and all parties simultaneously within thirty (30) days after all follow-up questions have been responded to.

To reach this determination, the Superintendent of Schools will use the clear and convincing evidence standard which is the standard of evidence that will be applied in all formal complaints of sexual harassment. This standard is understood to mean

concluding that a fact is highly probable to be true.

The written notice of the determination regarding responsibility will include:

a. Identification of the allegations potentially constituting sexual harassment;

b. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;

c. Findings of fact supporting the determination;

d. Conclusions regarding the application of any applicable School District policy, procedure, collective bargaining agreement, or other document such as the School District's Code of Conduct to the facts;

e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the School District is imposing on the Respondent, and whether remedies designed to restore or preserve equal access to the School District's education program or activity will be provided by the School District to the Complainant; and

f. The School District's procedures and permissible bases for the Complainant and Respondent to appeal.

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Finality of Determination Regarding Responsibility

The determination regarding responsibility becomes final either on the date that the School District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination regarding responsibility for sexual harassment has been made against the Respondent, remedies will be provided to a Complainant and disciplinary sanctions may be imposed on a Respondent. Remedies will be designed to restore or preserve equal access to the School District's education program or activity. Remedies and disciplinary sanctions will be implemented in accordance with applicable laws and regulations, as well as any School District policy, procedure, collective bargaining agreement, or other document such as the School District's Code of Conduct.

The Title IX Coordinator is responsible for the effective implementation of any remedies and/or disciplinary sanctions. The Title IX Coordinator will work with other individuals as necessary to effectively implement remedies and/or disciplinary sanctions.

Appeals

Either party may file an appeal from a determination regarding responsibility or from the School District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within twenty (20) days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations. The Board of Education will decide all appeals.

An appeal may only be based upon one or more of the following bases:

a. Procedural irregularity that affected the outcome of the matter;

b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and

c. The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

The bases on which a party is seeking an appeal should be specifically stated in the party's written appeal. Upon receipt of an appeal, the School District will:

a. Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;

b. Ensure that any decision-maker for the appeal:

    1. is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator; and

    2. does not have any conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

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c. Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within ten (10) days after the parties have been notified of the appeal;

d. Issue a written decision describing the result of the appeal and the rationale for the result; and

e. Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent of Schools, and all parties within ten (10) days after receiving the parties written statements in support of, or challenging, the outcome.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The School District prohibits retaliation against any individual for the purpose of interfering with their Title IX rights or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, or proceeding under Title IX.
All complaints alleging retaliation will be handled in a manner consistent with the School District's policies and procedures regarding the investigation of discrimination and harassment complaints, including Policy #0100 -- Equal Opportunity.

If the Title IX Coordinator has a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if the School District has designated another individual to serve in that capacity. If the School District has not designated another Title IX Coordinator, the Superintendent of Schools will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

Confidentiality

Except where disclosure may be permitted or required by law or regulation, the School District will keep confidential the identity of any:

a. Individual who has made a report or complaint of sex discrimination;

b. Individual who has made a report or filed a formal complaint of sexual harassment;

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c. Complainant;

d. Individual who has been reported to be the perpetrator of sex discrimination;

e. Respondent; and

f. Witness.

Training

The District will ensure that:

a. All Title IX Coordinators, investigators, decision-makers, or persons who facilitate an informal resolution process receive training on:

   1. The definition of sexual harassment as defined in Title IX;

   2. The scope of the District's education program or activity;

   3. How to conduct an investigation and grievance process including appeals, and informal resolution processes, as applicable; and

   4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

b. All decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant.

c. All investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

d. All School District employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and

will promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials will be made publicly available on the School District's website.

Notification

The School District will notify students, parents or **person(s) in parental relation** of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the School District of this policy.

Further, the School District will prominently publish this policy and the contact information for the Title IX Coordinator(s) on its website and in other publications, including in each handbook or catalog that it makes available to the individuals and entities referenced above.

Inquiries about this policy or the application of Title IX may be directed to the School District's Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

External Remedies

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.

Cross Ref: 0100, Equal Opportunity
0115, Title IX and Sex Discrimination
0120, Prohibition Against Bullying (DASA)
5300, Code of Conduct

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.*

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GLEN COVE CITY SCHOOL DISTRICT

TITLE IX AND SEX DISCRIMINATION **Policy 0115**

Adoption date:

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GLEN COVE CITY SCHOOL DISTRICT

TITLE IX SEXUAL HARASSMENT
FORMAL COMPLAINT FORM

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-DRAFT REVISED POLICY-

GLEN COVE CITY SCHOOL DISTRICT

PROHIBITION AGAINST SEXUAL HARASSMENT **Policy 0110**

The Board of Education recognizes that harassment of students, employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) 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 ~~targets~~ 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 such 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 School District.

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination ~~and~~ that is unlawful under federal, state, and (where applicable) local law.

"Sexual harassment" includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct and/or other verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. ~~harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status. Sexual harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.~~

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, sexual orientation, gender identity/expression, and/or transgender status when:

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1. submission to that conduct or communication is made ~~either explicitly or implicitly~~ a term or condition, either explicitly or implicitly, of an employee's or "non-employee's" ~~individual'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 ~~such~~ that conduct or communication by an individual is used as a factor in ~~the basis for~~ decisions affecting an ~~individual's~~ employee's or "non-employees" employment or a student's education; or
3. the conduct or communication has the purpose or effect of ~~unreasonably~~ interfering with an employee's or "non-employee's" work performance or a student's academic ~~school~~ performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment~~., even if the complaining individual is not the intended target of the sexual harassment;~~

Since sexual violence, dating violence, and stalking are forms of sexual harassment, the term "sexual harassment" in this policy will implicitly include sexual violence, dating violence, and stalking even if not explicitly stated, and even if such occurs outside the school setting if the harassment impacts the individual's education or employment in a way that violates their legal rights.

"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.

"Dating violence" means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

"Domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of New York, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of New York.

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"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for ~~his or her~~ their safety or the safety of others; or (B) suffer substantial emotional distress.

~~Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (0110-R).~~

~~The Board 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 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, or outside the school setting if the harassment impacts the individual's education or employment in a way that violates their legal rights, including when employees and "non-employees" travel on district business, or when harassment is done by electronic means (including on social media). For employees, sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue or engage in retaliation.~~

~~Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.~~

Sexual harassment can occur between persons of all ages and genders. 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. ~~Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the district.~~ The School Ddistrict'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

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harassment involves discrimination, harassment, and/or bullying as defined by the Dignity of All Students Act (DASA) and the School District's DASA policy (0120), the appropriate guidelines set forth therein shall also apply. Where alleged sexual harassment is prohibited under Title IX and a formal complaint is filed, the School District's Title IX policy (0115) shall govern, unless and until such complaint is dismissed in accord with policy 0115. In the event a sexual harassment complaint is dismissed in accord with the School District's Title IX policy, it will nonetheless be investigated and subject to review as per the guidelines and procedures set forth in this policy.

Prohibited ~~Unacceptable~~ Conduct

School-related conduct that the School D~~d~~istrict 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 ~~advances or~~ invitations or requests for sexual activity~~, including but not limited to those~~ in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.~~, or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments~~;
3. unwelcome and ~~or~~ offensive public sexual display of affection, including kissing, ~~hugging,~~ making out, groping, fondling, petting, inappropriate touching of one's self or others ~~(e.g., pinching, patting, grabbing, poking)~~, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading ~~or derogatory~~ 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 or explicit, sexually degrading ~~or derogatory~~, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading ~~or derogatory~~, 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.;

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7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" 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 derogatory 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 derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's individual's sex, sexual orientation, gender identity/expression or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
13. any other unwelcome gender-based behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, or that is based on sexual stereotypes and attitudesincluding, but not limited to:
    a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
    b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual's sex, gender expression or gender identity;
    c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex or gender.

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

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the

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GLEN COVE CITY SCHOOL DISTRICT

PROHIBITION AGAINST SEXUAL HARASSMENT **Policy 0110**

~~individual's education or employment in a way that violates their legal rights, including when employees or "non-employees" travel on district business, or when the harassment is done by electronic means (including on social media).~~

Determining if Prohibited Conduct is Sexual Harassment

All c~~C~~omplaints of sexual harassment will be taken seriously and 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 many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.~~

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~~ their education or altered the conditions of the student's learning environment or altered the conditions of the employee's or "non-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;
7. other incidents at the school; ~~and~~
8. incidents of gender-based, but non-sexual harassment; and
~~8.~~9.any other matters considered relevant.~~.~~

Reporting Complaints

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-DRAFT REVISED POLICY-

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The Board of Education shall designate an individual(s) to serve as its Civil Rights Compliance Officer(s) ("Compliance Officer") and/or Title IX Coordinator(s).

In order for the Board of Education to effectively enforce this policy and to take prompt corrective measures, it is essential that allegations ~~targets~~ of sexual harassment be reported by any ~~and~~ persons including a parent or guardian or a student, with knowledge of sexual harassment ~~report the harassment immediately~~. Supervisors of students and employees are required to report any complaint or information about suspected harassment that they receive, and any harassment that they observe. Such harassment may be reported in person, by mail, by telephone, or by electronic mail, using the contact information listed for the School District's Title IX Coordinator(s) and/or Compliance Officer, or by any other means that results in the Title IX Coordinator(s) and/or Compliance Officer receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator(s) or Compliance Officer. The School Ddistrict will promptly investigate all complaints of sexual harassment, ~~either~~ formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. ~~Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.~~

Individuals who believe that they have been sexually harassed 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.~~Any person who believes he or she has been the target of sexual harassment by a student, district employee or "non-employee" or third party related to the school is encouraged to report complaints as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student, employee, or "non-employee" is also encouraged to report the incident or behavior to the district. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.~~

~~Complaints should be filed with the Principal or the Title IX coordinator.~~

~~Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school~~

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~~administration, and then shall immediately notify the Principal and/or the Title IX coordinator. School employees receiving complaints of sexual harassment from employees and "non-employees" shall either direct the complainant to the Building Principal, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by staff, and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.~~

In order to assist investigators, ~~targets~~ individuals who believe they have been sexually harassed 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 individual~~target~~'s response to the harassment.

When the Compliance Officer and/or Title IX Coordinator receives a verbal or written report of sexual harassment, the Compliance Officer and/or Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures as defined below (with or without the filing of a formal complaint), consider ~~his or her~~their wishes with respect to supportive measures, and explain the process for filing a formal complaint. If the Complainant files a formal complaint then the below grievance procedures will be followed promptly.

In all circumstances, the Board of Education reserves the right to appoint an outside third party to investigate complaints filed pursuant to this policy.

Grievance Procedure

A. Generally

Both the Complainant and Respondent will be treated equally during the grievance process. The Respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. In determining responsibility, the School District will use a clear and convincing evidence standard.

B. Investigation Process

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

1. Upon receipt of a complaint, the Compliance Officer will conduct an immediate review of

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the allegations, and take any interim actions (e.g., instructing the Respondent to refrain from communications with the Complainant), as appropriate. If the Compliance Officer is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Compliance Officer, if the School District has designated another individual to serve in that capacity. If the School District has not designated another Compliance Officer, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the Compliance Officer.

2. All complaints of sexual harassment will be investigated regardless of the form in which those complaints are made. For oral complaints, the Complainant will be encouraged to complete the complaint form, which is available on the School District website, in writing. If ~~he or she~~ they refuse~~s~~, a complaint form based on the oral report will be prepared. The Complainant will be provided a copy of the completed complaint form.

3. If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.

4. Request and review all relevant documents, including all electronic communications.

5. Interview all parties involved, including any relevant witnesses. If a student is involved, the School District will follow all applicable School District policies and procedures regarding questioning students.

6. Create written documentation of the investigation (such as a letter, memo, or email), which contains the following:

   i. list of all documents reviewed, along with a detailed summary of relevant documents;
   ii. list of names of those interviewed, along with a detailed summary of their statements;
   iii. timeline of events;
   iv. summary of prior relevant incidents, reported or unreported; and
   v. The basis for the decision and final resolution of the complaint, together with any corrective action(s).

7. Keep the written documentation and associated documents in a secure and confidential location.

8. Promptly notify the Complainant and the Respondent of the final determination and implement any corrective actions identified in the written document.

9. Inform the Complainant of the right to file a complaint or charge externally as outlined in this policy.

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Corrective Action

If, after appropriate investigation, the School Ddistrict 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 Ddistrict policy and state law. ~~Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation.~~ Mandatory arbitration clauses are prohibited in all School Ddistrict contracts and agreements.

The School Ddistrict 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 Ceomplainant's preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have twenty-one (21) days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven (7) days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed. Nondisclosure agreements shall not prohibit Complainants from speaking with law enforcement, the Equal Employment Opportunity Commission, the NYS Division of Human Rights, a local commission on human rights, or an attorney retained by the Complainant.

Confidentiality

It is the School Ddistrict's policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the School Ddistrict will not release the details of a complaint or the identity of the Ceomplainant 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 Ddistrict'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 Ddistrict 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~~individual responsible for investigating complaints will discuss confidentiality standards and concerns with all Ceomplainants.

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

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GLEN COVE CITY SCHOOL DISTRICT

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

If the Ceomplainant 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 Ddistrict from responding effectively to the harassment and preventing the harassment of other students, employees or "non-employees".

Retaliation Prohibited

All Ceomplainants and those who participate in ~~sexual harassment complaints or~~ the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind.~~, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education related, or occur in the workplace or educational environment, to constitute unlawful retaliation.~~

Any act of retaliation against any person who ~~opposes sexually harassing behavior, or who has filed a complaint in good faith~~complains of sexual harassment, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has ~~, in good faith,~~ testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning ~~of~~ 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, ~~discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim,~~ and any other form of harassment. ~~Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.~~ Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

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PROHIBITION AGAINST SEXUAL HARASSMENT **Policy 0110**

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 interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the NYS Division of Human Rights or in New York State Supreme Court.

Complaints with DHR may be filed any time **within three years** 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 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.

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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 completed online. 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.

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

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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.

~~In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at https://www2.ed.gov/about/offices/list/ocr./docs/howto.html.~~

~~Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The EEOC can be contacted at (800) 669-4000, https://www.eeoc.gov/employees/howtofile.cfm, info@eeoc.gov, or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.~~

~~Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement~~

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~~or coerced sex acts, which may constitute a crime. No district contract or collective bargaining agreement entered into after July 11, 2018 may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to a court.~~

Supportive Measures

Both Complainants and Respondents of sexual harassment will have access to a range of supportive measures available to them, including but not limited to: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or school locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures, as appropriate.

Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. 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.
"Non-employees":	Penalties may range from a warning up to and including loss of School D~~d~~istrict business.
Other individuals:	Penalties may range from a warning up to and including denial of future access to school property.

False Complaints

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

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 School District, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

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 Assistance Program.

Complaint Records

Upon written request, Complainants should receive a copy of any resolution reports filed by the supervisor/Compliance Officer concerning ~~his/her~~ their complaint. Upon substantiation, copies should also be filed with the employment/education records of both the Complainant and the alleged harasser.

Training

The School 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 NYS Department of Labor and the NYS Division of Human Rights;

b. examples of conduct that would constitute unlawful sexual harassment;

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.

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-DRAFT REVISED POLICY-

GLEN COVE CITY SCHOOL DISTRICT

PROHIBITION AGAINST SEXUAL HARASSMENT **Policy 0110**

~~All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student body officers shall receive district training about the policy at the beginning of each school year. The district shall provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and shall provide the same to new employees before the employee starts his/her job.~~

~~In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment.~~

~~All new employees shall receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees shall be provided training at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.~~

~~Annual employee training programs shall be interactive and 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 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; and (v) address the conduct and responsibilities of supervisors.~~

~~Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the 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 target.~~

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GLEN COVE CITY SCHOOL DISTRICT

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~~The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.~~ 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.

This policy shall be posted on the School District's website and in ~~a~~ prominent places in each School D~~d~~istrict facility, ~~on the district's website,~~ and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

~~A committee of administrators, teachers, parents, students and the school attorney shall be convened annually to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board.~~

Cross-ref: 0100, Equal Opportunity
0115, Title IX and Sex Discrimination
0120, Prohibition Against Bullying (DASA)
5300, Code of Conduct

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.
Executive Law §296-d (prohibition of sexual harassment of non-employees)
Labor Law §201-g (required sexual harassment policy and training)
Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)
General Obligations Law §5-336 (nondisclosure agreements optional)
~~Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)~~
~~Gebser v. Lago Vista Independent School District, 524 U.S, 274 (1998)~~
~~Faragher v. City of Boca Raton, 524 U.S. 775 (1998)~~
~~Burlington Industries v. Ellerth, 524 U.S. 742 (1998)~~
~~Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)~~
~~Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)~~
~~Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)~~
~~Office for Civil Rights Revised Sexual Harassment Guidance (January 19, 2001)~~
~~Office for Civil Rights, Dear Colleague Letter: Sexual Harassment Issues (2006)~~
~~Office for Civil Rights, Dear Colleague Letter: Bullying (October 26, 2010)~~

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-DRAFT REVISED POLICY-

GLEN COVE CITY SCHOOL DISTRICT

PROHIBITION AGAINST SEXUAL HARASSMENT **Policy 0110**

Adoption date: October 10, 2018
Revised: July 6, 2022

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-DRAFT REVISED POLICY-

GLEN COVE CITY SCHOOL DISTRICT

PROHIBITION AGAINST SEXUAL HARASSMENT **Policy 0110**

GLEN COVE CITY SCHOOL DISTRICT

SEXUAL HARASSMENT
FORMAL COMPLAINT FORM

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-DRAFT REVISED POLICY-

GLEN COVE CITY SCHOOL DISTRICT

NON-DISCRIMINATION AND EQUAL OPPORTUNITY **Policy 0100**

The Board of Education is committed to providing equal opportunities to all students and staff in the School District and maintaining an environment which is free from discrimination and harassment.

In accordance with applicable federal and state laws and regulations, the Board of Education, its officers and employees, shall not discriminate ~~in its programs and activities~~against any individual, student, employee, or applicant on the basis of ~~legally protected classes, such as, but not limited to:~~ actual or perceived race (including traits historically associated with race, including but limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists), color, national origin, creed, religion, marital status, sex, reproductive health decisions ~~(including pregnancy, childbirth, or related medical condition)~~, gender (including gender identity and expression), age, sexual orientation, disability ~~(physical or mental)~~, predisposing genetic characteristic, military ~~work or~~ status, domestic violence victim status, and any other characteristic prohibited by law ~~or use of a guide dog, hearing dog, or service dog, as applicable~~. The School D~~d~~istrict will provide notice of this policy in accordance with federal and state law and regulation.

This policy of non-discrimination includes access by students to educational programs, counseling services for students, course offerings, and student programs and activities, community and youth programs, including but not limited to the Boy Scouts and Girl Scouts, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Additionally, to promote the School ~~d~~District's policy of non-discrimination, the School District ~~website's accessibility to staff, students, and members of the community with disabilities, the district~~ will maintain a website that is accessible (or contains accessible alternatives) on perceivability, operability and understandability principles. The School D~~d~~istrict's Director of Instructional Technology is responsible for considering the following when developing or updating the School D~~d~~istrict website:

- Adding the text equivalent to every image;
- Posting documents in a text-based format such as HTML or RTF in addition to PDFs;
- Avoiding dictating colors and font settings;
- Including audio descriptions and captions to videos;
- Identifying other barriers to access; and
- Making other considerations when developing the School D~~d~~istrict's website.

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-DRAFT REVISED POLICY-

GLEN COVE CITY SCHOOL DISTRICT

NON-DISCRIMINATION AND EQUAL OPPORTUNITY **Policy 0100**

~~The Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression).~~

~~A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.~~

~~Nothing in this policy shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.~~

Annual Notification

At the beginning of each school year, the School D~~d~~istrict shall publish a notice of the established grievance procedures for resolving complaints of discrimination and/or harassment to parents or persons in parental relation~~/guardians~~, employees, students, applicants for employment, all unions or professional organizations which have a collective bargaining agreement or professions agreement with the School District, and the community. The public notice shall:

1. inform parents or persons in parental relation, employees, students and the community that education programs, including but not limited to vocational programs, are offered ~~without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression~~in a non-discriminatory fashion;
2. provide the name or title, office address, e-mail address, and telephone number of the person designated to coordinate activities concerning discrimination, i.e., the School District's Civil Rights Compliance Officer(s) ("Compliance Officer(s)");~~ and~~
~~2.~~3. provide that inquiries concerning the application of Title IX and its regulations to the School District may be referred to the School District's Title IX Coordinator(s); and
~~3.~~4. be included in announcements, bulletins, catalogues, and applications made available by the district.

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Inquiries about the School District's non-discrimination policies may be directed to the Assistant Superintendent for Human Resources or the Compliance Officer(s). Individuals who wish to file a complaint of sexual harassment should refer to Policy 0110. Individuals who wish to file a complaint of sexual harassment covered by Title IX should refer to Policy 0115.

Civil Rights Compliance Officer

The Assistant Superintendent for Human Resources has been designated to ~~handle inquiries regarding the district's non-discrimination policies~~serve are the Compliance Officer. Contact information for the Assistant Superintendent of Human Resources is available on the district's website. ~~Complaints of sexual harassment or discrimination are covered by policy 0110.~~

Where appropriate, the Compliance Officer(s) may seek the assistance of other School District employees, such as the School District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

Reporting Allegations of Discrimination and/or Harassment

Any person may report discrimination and/or harassment regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the Compliance Officer, or by any other means that results in the Compliance Officer receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Compliance Officer.

Reports of discrimination and/or harassment may also be made to any other School District employee including a supervisor or building principal. All reports of discrimination and/or harassment must be immediately forwarded to the Compliance Officer. Reports may also be forwarded to other School District employees depending on the allegations.

All School District employees who witness or receive an oral or written report of discrimination and/or harassment must immediately inform the Compliance Officer or the Superintendent of Schools. Failure to immediately inform the Compliance Officer or the Superintendent of Schools may subject the employee to discipline up to and including termination.

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Investigation of Complaints

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of unlawful discrimination and/or harassment based on any legally protected class and will promptly take appropriate action to protect individuals from discrimination and/or harassment. In the event an anonymous complaint is filed, the School District will respond to the extent possible.

Complaints and reports of unlawful discrimination and/or harassment should be promptly submitted to the Compliance Officer, in writing, and the Compliance Officer shall promptly investigate the complaint. All employees of the School District shall cooperate with the Compliance Officer in such investigation. In the event the Compliance Officer finds that there has been a violation, they shall propose a resolution of the complaint.

In addition to the above, individuals may contact the Office for Civil Rights at:

United States Department of Education
Office for Civil Rights
32 Old Slip, 26th Floor
New York, New York 10005
(646) 428-3800

If an investigation reveals that unlawful discrimination and/or harassment has occurred, the School District will take immediate corrective action as warranted. A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties. Such actions will be taken in accordance with applicable federal and state laws and regulations, as well as any applicable School District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the School District's Code of Conduct.

Knowingly Making False Accusations

Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination and/or harassment will face appropriate disciplinary action.

Prohibition of Retaliatory Behavior

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GLEN COVE CITY SCHOOL DISTRICT

NON-DISCRIMINATION AND EQUAL OPPORTUNITY **Policy 0100**

The School District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination and/or harassment. All individuals who have acted reasonably and in good faith have the right to be free from retaliation of any kind.

Complaints of retaliation may be directed to the Compliance Officer. If the Compliance Officer is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Compliance Officer, if the School District has designated another individual to serve in that capacity. If the School District has not designated another Compliance Officer, the Superintendent of Schools will ensure that another person with the appropriate training and qualifications is appointed to act as the Compliance Officer.

~~All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.~~

~~The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.~~

Cross-ref: 0110, Sexual Harassment
0115, Title IX and Sex Discrimination
0120, Prohibition Against Bullying (DASA)
5030, Student Complaints and Grievances
5300, Code of Conduct
9140.1, Staff Complaints and Grievances

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 et seq.
Americans with Disabilities Act, 42 U.S.C. §§12101 et seq.
Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d et seq. ~~(nondiscrimination based on race, color, and national origin in federally assisted programs)~~
Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e et seq. ~~(nondiscrimination based on race, color, and national origin in employment)~~
Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 et seq. ~~(nondiscrimination based on sex)~~
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C. §§1400 et seq.
Boy Scouts of America Equal Access Act, 20 U.S.C. § 7905
Genetic Information Nondiscrimination Act of 2008 P.L. 110-233

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34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25
Executive Law §§290 et seq. (New York State Human Rights Law)
Education Law §§10-18 (The Dignity for All Students Act)
Education Law §§313(3); 3201; 3201-a
~~ADA Best Practices Tool Kit for State and Local Governments, Website Accessibility Under Title II of the ADA (see Chapter 5 and Chapter 5 Addendum checklist), www.ada.gov/pcatoolkit/toolkitmain.htm~~

Adoption date: July 6, 2022
Revised:

Draft

-DRAFT REVISED POLICY-

GLEN COVE CITY SCHOOL DISTRICT

~~STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION~~ PROHIBITION AGAINST BULLYING **Policy 011~~5~~20**

~~The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.~~The Board of Education acknowledges that bullying and other forms of harassment or discrimination are disruptive and harmful to students. The Board of Education seeks to foster an educational setting wherein all students are treated with respect and dignity. The Board of Education is committed to providing a positive, safe and supportive learning environment where students are free from bullying, harassment and discrimination. Because bullying and other forms of harassment or discrimination are detrimental to a student's learning environment, the School District's sense of community, and an individual's well-being, the Board of Education does not and will not condone bullying, harassment or discrimination of any kind.

~~To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.~~

The School District strictly prohibits all forms of bullying, harassment and discrimination of students by School District employees or students on school property, school buses, or at school functions, regardless of whether they are conducted on or off the premises of the School District. The School District also prohibits all forms of off-campus bullying, harassment or discrimination including, but not limited to, "cyber-bullying," which may include the use of instant messaging, e-mail, websites, chat rooms and text messaging or other forms of electronic communication, or other acts in violation of this policy when such acts occur off school property and create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

The School District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of harassment, bullying, and/or discrimination of

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GLEN COVE CITY SCHOOL DISTRICT

~~STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION~~ PROHIBITION AGAINST BULLYING **Policy 011~~5~~20**

students. The School District will promptly respond to reports of harassment, bullying, and/or discrimination of students, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the School District's Dignity Act Coordinator(s) (DAC(s)).

Definitions

~~**Bullying**~~

~~Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.~~

~~**Cyberbullying**~~

~~Cyberbullying is defined as harassment (see below) through any form of electronic communication.~~

~~**Discrimination**~~

~~Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the Definitions section, under Harassment, below).~~

~~**Hazing**~~

~~Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.~~

~~**Harassment**~~

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~~Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:~~

-

~~race,~~
~~color,~~
~~weight,~~
~~national origin,~~
~~ethnic group,~~
~~religion,~~
~~religious practice,~~
~~disability,~~
~~sex,~~
~~sexual orientation, or~~
~~gender (including gender identity and expression).~~

-

~~For the purpose of this definition the term "threats, intimidation or abuse" shall include verbal and non-verbal actions.~~

-

~~In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections.~~

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~~In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.~~

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Harassment or *bullying* means the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that either:

a. has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; including conduct, threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause emotional harm; or

b. reasonably causes or would reasonably be expected to cause physical injury to a student or to cause a student to fear for ~~his or her~~ their physical safety;

c. such definition shall include acts of harassment or bullying that occur:

(1) on school property;

(2) at a school function; or

(3) off school property where such acts create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property

Threats, intimidation or *abuse* shall include verbal and non-verbal actions. Acts of harassment or bullying shall include, but not be limited to, acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

Emotional harm that takes place in the context of harassment or bullying means harm to a student's emotional well-being through creation of a hostile school environment that is so severe or pervasive as to unreasonably and substantially interfere with a student's education.

School property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus.

School function means a school-sponsored extracurricular event or activity.

Disability means disability as defined in Executive Law section 292(21).

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Sexual orientation means actual or perceived heterosexuality, homosexuality or bisexuality.

Gender means actual or perceived sex and shall include a person's gender identity or expression.

Discrimination means discrimination against any student by a student or students and/or an employee or employees on school property or at a school function including, but not limited to, discrimination based on a person's actual or perceived race , color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

Cyberbullying shall mean harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

Prevention

The Superintendent of Schools or designee shall develop and implement a school strategy to prevent harassment, bullying, and discrimination as well as procedures and guidelines, as needed, to fulfill the purpose of this policy in the School District. The strategy developed will include intervention and non-discriminatory instructional and counseling methods and guidelines relating to the development of measured, balanced and age-appropriate responses to instances of harassment, bullying or discrimination by students. In addition, the strategy will include remedies and procedures which:

- follow a progressive model that makes appropriate use of intervention, discipline and education;
- vary in method according to the nature of the behavior, the developmental age of the student and the student's history of problem behaviors; and
- are consistent with the School District's Code of Conduct.

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key ~~district~~ value of the School District. A program geared toward prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. ~~Staff members~~

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~~and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.~~

The School District's course of instruction will include a component on civility, citizenship, and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, and respect for others, with an emphasis on discouraging acts of harassment, bullying, and discrimination, observance of laws and rules, courtesy, dignity, and other traits which will enhance the quality of their experiences in, and contributions to, the community. The component shall:

- support the development of a school environment free of harassment, bullying, and discrimination; and
- include instruction on the safe, responsible use of the internet and electronic communications.

~~Curricular material that raises~~For purposes of this policy, "tolerance," "respect for others," and "dignity" shall include awareness and sensitivity to bullying, discrimination, or harassment and civility in the relations ~~ships~~ of people of different races, colors, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, gender and sexes. ~~or gender expression or identities will be included in the instructional program K-12.~~

~~In order to implement this program the Board will designate at its annual organizational meeting a Dignity Act Coordinator (DAC) for each school in the district. One of the DACs will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of each DAC is to oversee and enforce this policy in the school to which they are assigned.~~

In addition, the Superintendent will establish a district-wide Task Force as well as Bullying Prevention Coordinating Committees in each school that will be overseen by the district-wide Dignity Act Coordinator. Committees will include representation from staff, administration, students and parents. The district-wide task force and the school-level committee will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking

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allegations of bullying. ~~The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.~~

~~Role of the~~ Dignity Act Coordinator~~(s)(DAC)~~

The Board of Education will annually designate a ~~staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the~~ Dignity Act Coordinator ("DAC") for each school in the School District, accountable for implementation of this policy.~~—~~ In addition, one will be designated as the district-wide ~~coordinator~~ DAC who will be responsible for ensuring equivalency in programming across buildings. ~~The building-level DAC will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, including but not limited to coordination of:~~

- ~~the work of the building-level committees;~~
- ~~professional development for staff members and,~~
- ~~the complaint process, and~~
- ~~management of the Dignity Act's civility curriculum components.~~

Each DAC shall be employed by the School District and be licensed and/or certified by the Commissioner of Education as a classroom teacher, school counselor, school psychologist, school nurse, school social worker, school administrator or supervisor, or Superintendent of Schools. Each DAC will be:

a. Instructed in the provisions of the Dignity for All Students Act and its implementing regulations;

b. Thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;

c. Provided with training which addresses the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex;

d. Provided with training in the identification and mitigation of harassment, bullying, and discrimination; and

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e. Provided with training in strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings.

The School District will widely disseminate the name, designated school, and contact information of the DAC(s) to all School District personnel, students, and parents or persons in parental relation by:

a. Listing it in the Code of Conduct, with updates posted on the School District's website;

b. Including it in the Code of Conduct's plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year;

c. Providing it to parents or persons in parental relation in at least one School District or school mailing or other method of distribution each school year, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent School District or school mailing, or other method of distribution as soon as practicable thereafter;

d. Posting it in highly visible areas of the school buildings; and

e. Making it available at the School District and school level administrative offices.

If a DAC vacates ~~his or her~~ their position, the School District will immediately designate another eligible employee as an interim DAC, pending approval of a successor DAC from the Board of Education within thirty (30) days of the date the position was vacated. In the event a DAC is unable to perform ~~his or her~~ their duties for an extended period of time, the School District will immediately designate another eligible employee as an interim DAC, pending the return of the previous individual to the position.

~~**Intervention**~~

~~Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.~~

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~~Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.~~

~~In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.~~

~~**Provisions for students who do not feel safe at school**~~

~~The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the Building Principal. The building principal, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.~~

~~The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.~~

Incident Reporting and Investigation

Any student who believes that ~~he or she is~~they are being bullied, harassed or discriminated against, or who has knowledge of bullying, harassing or discriminatory behavior should report it. Students may make oral or written reports of bullying, harassment or discrimination to any staff member. All School District employees who witness or receive an oral or written report of harassment, bullying, and/or discrimination are required to take action. District employees must make an oral report promptly to the Superintendent of Schools or the DAC not later than one (1) school day

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after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination. No later than two (2) school days after making the oral report, the School District employee must file a written report with the Superintendent of Schools or the DAC.

The Superintendent of Schools or the DAC will lead or supervise the thorough investigation of all reports of harassment, bullying, and/or discrimination and ensure that all investigations are promptly completed after the receipt of a written report. All reports of bullying, harassment or discrimination will be thoroughly investigated and prompt action will be taken by the school where the incident occurred to address the verified allegations, including the imposition of appropriate disciplinary measures in accordance with applicable law and the School District's Code of Conduct. Actions will be reasonably calculated to end the harassment, bullying or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of behavior, and provide for the safety of the student(s) against whom the bullying, harassment or discrimination was directed. Actions shall be consistent with the guidelines created by the School District, in accordance with law and this policy, for measured, balanced and age-appropriate responses to instances of harassment, bullying and discrimination. In investigating any allegation, the investigator may seek the assistance of the School District's Civil Rights Compliance Officer(s) ("CRCO"(s)) and/or Title IX Coordinator(s) in investigating, responding to, and remedying complaints of harassment, bullying, and/or discrimination.

Bullying, harassment or discrimination of a sexual nature, as defined by the School District's sex-based harassment policy, must be reported to the School District's Title IX officer. Bullying, harassment or discrimination which involves criminal activity, or where there is reasonable belief that criminal activity may occur, must be immediately reported to the Superintendent of Schools or DAC. If the Superintendent of Schools or DAC believes that any harassment, bullying or discrimination constitutes criminal conduct, they shall promptly notify the appropriate local law enforcement agency.

When an investigation verifies a material incident of harassment, bullying, and/or discrimination, the Superintendent of Schools or the DAC will take prompt action, consistent with applicable laws and regulations as well as the School District's Code of Conduct, reasonably calculated to end the harassment, bullying, and/or discrimination, eliminate any hostile environment, create a more positive school culture and climate, prevent recurrence of the behavior, and ensure the safety of the student or students against whom the behavior was directed.

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To the extent possible, allegations of bullying, harassment or discrimination will be kept confidential; however, the School District reserves the right to disclose the identity of the parties and witnesses in appropriate circumstances to individuals with a need to know.

At all times, complaints will be documented, tracked and handled in accordance with the procedures and guidelines created by the School District and the School District's Code of Conduct. The Superintendent of Schools and the DAC will prepare a report for the Board of Education on data and trends related to harassment, bullying and discrimination in the school based on the complaints filed.

Each school year, the School District will submit to the Commissioner a report of material incidents of harassment, bullying, and/or discrimination that occurred during the school year in accordance with law and regulation. This report will be submitted in a manner prescribed by the Commissioner.

Additionally, other Board of Education policies and documents address harassment, bullying, and discrimination of students. These policies and documents may include: Policy #0100 – Equal Opportunity; Policy #0110 – Prohibition Against Sexual Harassment; and Policy #0115 - Title IX and Sex Discrimination. The determination as to which policies and/or documents are applicable is fact specific, and the DAC may work with other School District staff such as the District's CRCO(s) and/or Title IX Coordinator(s) to determine which School District policies and/or documents are applicable to the specific facts of the complaint. All complaints will be handled in accordance with the applicable School District policies and/or documents.

~~Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to Building Principal within one school day and to fill out the district reporting form within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A district employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.~~

~~At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, 0100, Equal~~

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~~Opportunity and Nondiscrimination, or 0110, Sexual Harassment and the district's Code of Conduct. The Building Principal will prepare quarterly report for the Superintendent based on complaints filed.~~

~~An equitable and thorough investigation will be carried out by the building principal in accordance with the accompanying regulation. In addition, the results of the investigation shall be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.~~

~~The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the district as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.~~

Disciplinary Consequences~~/Remediation~~

While the focus of this policy is on prevention, bullying acts ~~of bullying~~ may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. ~~Student~~ Oo~~f~~fenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action ~~that is measured, balanced and age-appropriate~~ will be taken by the administration in accordance with the School D~~d~~istrict's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying will~~shall~~ be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the School D~~d~~istrict's Code of Conduct.

~~Non-Retaliation~~Prohibition of Retaliatory Behavior

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, and/or discrimination by an employee or student on School District grounds or at a School District function, and who acts reasonably and in good faith in reporting it to School District officials, the Commissioner of Education, or law

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enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The School District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, and/or discrimination.

The Superintendent of Schools will monitor participants in investigations and victims of individuals who initiate, testify, participate or assist in the investigation of any allegation or report of bullying, harassment or discrimination to determine that the behavior has ceased, no retaliation has occurred and support or counseling has been afforded to the involved individuals, as needed.
~~All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.~~

Training and Awareness

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the districtwide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. ~~Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.~~

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional learning and will be conducted consistent with guidelines approved by the Board of Education, and will include training to:

a. raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination and/or discrimination directed at students that are committed by students and/or school employees on school property or at a school function, or

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off school property pursuant to including, but not limited to, harassment, bullying and/or discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

b. address social patterns of harassment, bullying, and discrimination;

c. inform employees on the identification and mitigation of harassment, bullying, and discrimination;

d. enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;

e. make employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;

f. provide strategies for effectively addressing problems of exclusion, bias, and aggression;

g. include safe and supportive school climate concepts in curriculum and classroom management; and

h. effectively implement school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging harassment, bullying, or discrimination against students by students or school employees.

Such training shall address the social patterns of harassment, bullying and/or discrimination, the identification and mitigation of such acts, and strategies for effectively addressing problems of exclusion, bias and aggression in educational settings. Such training may be implemented and conducted in conjunction with existing professional learning training or with any other training for school employees.

~~Dissemination, Monitoring and~~Annual Notification, Review and Reporting

The School District will maintain current versions of this policy on its website and require that at least once during each school year, all employees, students, parents and persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary thereof, including the notification process by which students,

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parents, persons in parental relation and school employees may report harassment, bullying and discrimination. The name and contact information of the Dignity Act Coordinator shall be disseminated by the School District in accordance with state law and the Commissioner's Regulations.

~~This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.~~

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

In addition, the Superintendent of Schools will share with the Board of Education the annual School Safety and Educational Climate data report for each building and for the School District as a whole, with particular attention to the trends in the incidence of bullying. Based on its review of the data, the Board of Education may consider further action, including but not limited to modification of this policy and additional training.

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The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
0110, Prohibition Against Sexual Harassment
0115, Title IX and Sex Discrimination
4321, Programs for Students with Disabilities
5300, Code of Conduct
5710. Violent and Disruptive Incident Reporting
9700, Staff Development

Ref: Dignity for All Students Act, Education Law, §10 – 18
Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq.; 34 CFR §100 et seq.
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq.

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§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 et seq.
Executive Law §290 et seq. (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a
8 NYCRR 100.2(c), (l), (jj), (kk); 119.6

~~Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)~~
~~Pollnow v. Glennon, 594 F.Sup. 220, 224 aff'd 757 F.2d. 496~~
~~Zeno v. Pine Plains 702 F3rd 655 (2nd Cir. 2012)~~
~~Cuff v. Valley Central School District F3rd 109 (2nd Cir 2012)~~
~~Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)~~
~~Gebser v. Lago Vista Independent School District, 524 U.S, 274 (1998)~~
~~Faragher v. City of Boca Raton, 524 U.S. 775 (1998)~~
~~Burlington Industries v. Ellerth, 524 U.S. 742 (1998)~~
~~Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)~~
~~Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)~~
~~Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)~~
~~Appeal of K.S., 43 Ed. Dept. Rep. 492~~
~~Appeal of Ravick, 40 Ed. Dept. Rep. 262~~
~~Appeal of Orman, 39 Ed. Dept. Rep. 811~~

Adoption date: July 6, 2022

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DIGNITY FOR ALL STUDENTS ACT
COMPLAINT FORM

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GLEN COVE CITY SCHOOL DISTRICT

STUDENT USE OF AUTOMOBILES, E-BIKE & SCOOTER POLICY Policy 5454

The Board of Education not only believes that student safety is paramount in school, but also in how students get to school. The Board of Education recognizes students may get to school in many ways. It also recognizes that the New York State legislature has considered and enacted laws relating to what types of transportation minors may operate by themselves. In consideration of student safety, and applicable New York laws, the following rules apply to students using bicycles with electric assist and electric scooters:

Automobile Use:

1. Only students who possess a Class D license issued by New York State, and valid car insurance, will be permitted to park on school grounds, provided they obtain a parking permit as set forth below. Students may only park in the student designated spaces. Students with only a junior driver's license are not eligible for a student parking permit or to park on school property.

2. Students must obtain a school issued parking permit to park on school grounds. In order to obtain a student parking permit, the student must submit an application containing the student's name, address, grade, cellphone number, registration number, license plate number, make, model, color, owner's name, owner's address, owner's number, proof of insurance, student and parent signatures. The Security Director's Office will issue a parking sticker which must be displayed on the car. Student parking permits are not transferable. Students must report lost or stolen permits to the Security Director's Office immediately. There is a $25 replacement fee.

3. Students are expected to:

   a. obey all posted traffic and parking signs while on school property;
   b. follow safe driving practices at all times particularly when approaching and leaving the school grounds;
   c. drive carefully while on school grounds and never faster than 15 miles per hour in these areas;
   d. follow the established traffic pattern – entering and leaving the school grounds only at the designated places;
   e. Keep the vehicle locked at all times.

4. Illegally parked vehicles may be ticketed by the Police Department and the students parking privileges may be revoked.

5. Students are not permitted to transport or drive any 9th, 10th, or 11th grade pupil from the school grounds, during the school day.

6. Parking on school grounds is a privilege, and this privilege is only offered to students who are "in good standing" with the school. "Good standing" also refers to meeting the

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criteria of acceptable attendance and disciplinary record.

7. On a rare and limited occasion, students who possess a Class D license issued by New York State and who attend a BOCES program will be permitted to drive to that program with the permission of both a BOCES school official and a High School administrator. No passengers will be permitted.

Use of Bicycles with Electric Assist, Electric Scooters, Electric Skateboards

1. No person less than sixteen (16) years of age shall operate, park, or otherwise use any bicycle with electric assist, electric scooter, or electric skateboard on School District property.

2. Students that are sixteen (16) and older may operate, park, and use a bicycle with electric assist, electric scooter, or electric skateboards on School District property only with prior approval from the Security Director's Office and in compliance with all applicable traffic laws and rules established by the building principal or designee. To request approval, students must submit an application containing the student's name, address, grade, cellphone number, make, model, and color, owner's name, address, and phone number, copy of the manufacturer's label as outlined below, and signatures from both the student and parent/guardian. The Security Director's Office shall approve or deny the application.

3. Students operating or using a bicycle with electric assist, electric scooter, or electric skateboard must yield the right of way to pedestrians. All persons must wear a helmet that meets the standards established under law when operating a bicycle with electric assist, electric scooter, or electric skateboard. No bicycle with electric assist, electric scooter, or electric skateboard shall be used to carry more than one person at one time.

4. No student shall operate or use a bicycle with electric assist, electric scooter, or electric skateboard on sidewalks, except when fully dismounted from the bicycle, scooter, or skateboard for parking purposes. No person shall park or leave a bicycle with electric assist, electric scooter, or electric skateboard in a manner that interferes with the free passage of pedestrians on a sidewalk or a place other than where the building principal or designee designates as bicycle parking.

5. No student shall operate, park, or use a bicycle with electric assist unless the bicycle has a permanently affixed manufacturer's label that provides (1) the class, (2) maximum motor-assisted speed, and (3) motor wattage of such bicycle with electric assist. If a student operates a bicycle with electric assist without a permanently affixed manufacturer's label, a civil fine of fifty (50) dollars may be issued by the Nassau County Police Department.

6. No student shall operate, park, or use an electric scooter unless the electric scooter has a permanently affixed manufacturer's label that provides (1) maximum motor-assisted speed, (2) the number of persons for which such electric scooter is designed and equipped, and (3) motor wattage of the electric scooter. If a student operates an Electric Scooter

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without a permanently affixed manufacturer's label, a civil fine of fifty (50) dollars may be issued by the Nassau County Police Department.

7. Students who bring bicycles with electric assist, electric scooters, or electric skateboards on School District property are responsible for securing them with an owner-provided locking device. The School District assumes no responsibility for the theft, loss, or damage of such devices or any accessories or personal property left with them while on School District property.

8. Charging of bicycles with electric assist, electric scooters, or electric skateboards on School District property is prohibited.

9. The privilege to use bicycles with electric assist, electric scooters, and/or electric skateboards on School District property may be revoked if the use of such bicycles, scooters and skateboards do not conform to the above guidelines.

Types of Violations

In the event a student violates the requirements of this policy, the student's parking, use of bicycle with electric assist, electric scooter, and/or electric skateboard privileges may be suspended or revoked as set forth below. Violations may include, but are not limited to:

- Habitual lateness to the ensuing class.
- Parking violations after returning to school grounds.
- Parking or using a bicycle with electric assist, electric scooter, or electronic skateboard in a prohibited way.
- Knowingly driving with an underclassman or a senior who does not have permission to leave the campus.
- Conduct which will portray the school in a negative light while the student is off-campus i.e. reckless driving, inappropriate behavior, etc.

Consequences for Violations:

1. Any violation of the lunch policy may result in revocation of the student's privilege to park or use bicycles with electric assist, electric scooters, and/or electric skateboards on School District property. Administration will determine the length of the revocation of the privilege.

2. Any violation of this policy may result in the following consequences:

   a. in school suspension, out of school suspension, after school detention, and/or
   b. revocation of the student's parking privilege, and/or privilege to use bicycles with electric assist, electric scooters, and/or electric skateboards on School District property. Administration will determine the length of the revocation of the privilege.

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Ref: Vehicle and Traffic Law §§1242, 1282

Cross-Ref:

Adoption Date:

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