

# REGULATION

2015

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Community Relations

## **SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

Any individual who believes that he/she has been subjected to discrimination and/or harassment or who is made aware of and/or witnesses any possible occurrence of discrimination and/or harassment shall report such incident or occurrence as soon as possible after the alleged incident occurs in order to help the District effectively and promptly investigate and resolve the complaint. Victims and/or witnesses should attempt to provide as much detail as possible when making such reports. Individuals may request and are encouraged to use the District Complaint Form (see #3420F).

To the extent possible, all parties will be advised that complaints will remain as confidential as possible, and will be disclosed only when necessary to effectively investigate the complaint and/or as required by law. A written record of the investigation and any action taken will, however, be established. Additionally, parents of students who are accused of or subjected to possible discrimination and/or harassment may be notified by the appropriate administrator of such occurrence and/or allegations as appropriate. The complainant, the alleged perpetrator, and any witnesses should refrain from talking about the investigation while it is pending.

If the complainant attempts to withdraw his/her complaint, the Civil Rights Compliance Officer will determine, with the assistance of any individual or entity if needed, whether the withdrawal request was caused by retaliatory behavior, harassment, undue pressure, or fear of such actions. In the event the Civil Rights Compliance Officer determines the withdrawal request was not prompted by the above factors, he/she will document the complainant's reasons for the withdrawal, ask the complainant to sign the documentation, and terminate the investigation, provided such action is not inconsistent with the District's legal obligations.

If the request to withdraw the complaint is the result of retaliatory behavior, harassment, undue pressure, or the fear of such actions, or if the investigation must be carried out to ensure compliance with relevant District obligations, the investigation will continue and interim measures will be taken to protect the alleged victim, the complainant, and witnesses, as appropriate.

However, the occurrence of an alleged act of discrimination or harassment, the filing of a complaint, and/or the rendering of a decision regarding the complaint, shall in no way prohibit, prevent, or limit the complainant from taking any other action such as filing a complaint with an applicable state or federal agency or taking legal action in accordance with state or federal law.

### **Complaint and Grievance Procedures**

All complaints of discrimination and/or harassment will be investigated consistent with the following procedures:

- 1) An employee or student who believes that he/she has been subjected to any type of discrimination or harassment, or has knowledge of an occurrence of discrimination or harassment, may file a complaint with his/her immediate supervisor, the building principal or other individual in charge of his/her building, or the District's Civil Rights Compliance Officer. All complaints will ultimately be directed to the Civil Rights Compliance Officer, who will coordinate the District's investigation into the allegations of discrimination and/or harassment. If

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the Civil Rights Compliance Officer is the individual suspected of engaging in discrimination and/or harassment, the complaint will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

The District recognizes that discrimination and harassment of students is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer and the Superintendent. Where appropriate, the Civil Rights Compliance Officer will seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment.

Complaints of discrimination and/or harassment may be made verbally or in writing. Complainants will be encouraged to fill out a complaint form provided by the District. The District will, however, investigate all complaints of discrimination and/or harassment regardless of the form in which those complaints are made. In the event of a verbal complaint, the individual who receives the complaint shall complete the District complaint form and submit such to the Civil Rights Compliance Officer. Copies of all complaints shall also be provided to the Superintendent.

The complainant shall also cooperate in providing information regarding the specifics of the verbal complaint.

- 2) Within ten (10) business days of receiving the complaint, the Superintendent shall assign the complaint to a Civil Rights Compliance Officer who will notify the complainant, in writing, that his/her complaint has been received. The designated Civil Rights Compliance Officer, or the individual assigned to investigate the allegations of discrimination and/or harassment, will begin such investigation.
- 3) In conducting an investigation, the Civil Rights Compliance Officer, or the individual assigned to investigate the allegations of discrimination and/or harassment, as deemed necessary may: collect and review all relevant documents; interview the complainant, the accused, or any witnesses presented by either the complainant or the accused; review relevant files and video; and collect and review other evidence. Interviews of the complainant, the alleged victim, and the accused will be conducted separately.
- 4) Upon completing the investigation, the Civil Rights Compliance Officer, or the individual assigned to investigate the allegations of discrimination and/or harassment, will submit a written report detailing his/her findings to the Superintendent. While timelines for investigating complaints of discrimination and/or harassment will vary depending upon the scope and complexity of the matter, it is anticipated that most reports will be submitted within sixty (60) calendar days from the receipt of the complaint.

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- 5) The Civil Rights Compliance Officer, or the individual assigned to investigate the allegations of discrimination and/or harassment, will inform the Superintendent if extenuating circumstances require more than sixty (60) calendar days for the investigation to be completed. Written notification will also be provided to the complainant regarding the need for additional time to conduct the investigation.
- 6) The complainant and the accused will be informed, in writing, of the investigator's finding as to whether or not discrimination and/or harassment occurred.
- 7) In the event that either the complainant or the accused is dissatisfied with the decision of the Compliance Officer, within ten (10) days of the date of the decision they may file a written appeal to the Superintendent of Schools. Such written appeal must be filed with the District Clerk. Within ten (10) working days of the receipt of the appeal, the Superintendent shall notify the parties of the receipt of the appeal and the applicable review process.
- 8) Upon completing the review, the Superintendent will submit a written decision to the complainant and the accused either denying or rejecting the appeal. While timelines for investigating appeals will vary depending upon the scope and complexity of the matter, it is anticipated that most decisions will be submitted within sixty (60) calendar days from the receipt of the appeal.
- 9) If the Superintendent or the individual assigned to investigate the appeal of the Civil Rights Compliance Officer's decision requires more than sixty (60) calendar days for the review of the appeal to be completed, written notification will be provided to the individual who filed the appeal regarding the need for additional time.
- 10) In the event that either the complainant or the accused is dissatisfied with the decision of the Superintendent, within ten (10) days of the date of the decision they may file a written appeal to the Board of Education. Such written appeal must be filed with the District Clerk. Within ten (10) working days of the receipt of the appeal, the Board of Education shall notify the parties of the receipt of the appeal and the applicable review process.
- 11) Upon completing the review process, the Board of Education will submit a written decision to the complainant and the accused either denying or rejecting the appeal.
- 12) If the investigation results in a finding that discrimination and/or harassment did occur, the appropriate school official will take prompt corrective action.

The Superintendent will inform the Board of Education of the results of each investigation of discrimination and/or harassment.

The above procedures do not prohibit the District from taking interim steps to prevent discrimination and/or harassment, if necessary.

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Moreover, the filing of a complaint, and/or the rendering of a decision regarding the complaint shall in no way prohibit, prevent or limit an individual from taking legal action in accordance with state and federal law.

**Finding That Discrimination and/or Harassment Occurred: Corrective Action**

If the District's investigation reveals that an individual was discriminated against or harassed, immediate corrective action will be taken. Should the offending individual be a school employee, appropriate remedial and/or disciplinary measures will be applied, including but not limited to termination of the offender's employment, in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate remedial and/or disciplinary measures will be applied, including, but not limited to suspension, in accordance with applicable law, regulation, and the *Code of Conduct*.

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

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

**Finding That Discrimination and/or Harassment Did Not Occur**

If at any level/stage of investigation of alleged discrimination and/or harassment, a determination is made that discrimination and/or harassment did not occur, the Civil Rights Compliance Officer will so notify the parties involved and the Superintendent.

Any employee or student who makes false or bad faith accusations against another individual as to allegations of discrimination or harassment will face disciplinary action. Examples of bad faith accusations could include, but are not limited to: the volume of complaints filed, filing repeated complaints alleging the same occurrence, failing to cooperate in the investigation, violating basic standards of honesty.

The Superintendent/designee reserves the right to initiate student and staff training to help ensure the school community is committed to preventing and addressing discrimination and/or harassment.

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NOTE: Refer also to Regulations #3420F -- Sample Complaint Form  
#6121R -- Sexual Harassment  
#7550R -- Dignity for All Students Act  
#7550F -- Sample Dignity Act Complaint Form  
#7551R -- Sexual Harassment of Students  
*District Code of Conduct*

Revised: August 25, 2015