

POLICY

2019

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Community Relations

SUBJECT: NOTICE OF NON-DISCRIMINATION

This policy applies to students, employees and third parties. The school district does not discriminate in employment or in the education programs and activities which it operates on the basis of actual or perceived race, gender identity or expression, sexual orientation, age, ethnic group, religion, religious practice, marital status, military status, familial status, domestic violence victim status, color, weight, national origin, predisposing genetic characteristics or disability in violation of Title IX of the Education Amendments of 1972, Title VI and Title VII of the Civil Rights Act of 1964, or Section 504 of the Rehabilitation Act of 1973, Title II of the Genetic Information Non-Discrimination Act of 2008, and New York State Human Rights Law, and the Boy Scouts of America Equal Access Act of 2001.

It is the policy of the District that all employees, students and third parties have a right to work or study in an environment free of discrimination, which encompasses freedom from sexual harassment. The District strongly disapproves of sexual harassment of its employees, students and third parties in any form and states that all employees as well as students at all levels of the district must avoid offensive or inappropriate sexual or sexually harassing behavior at school, on school grounds, school functions, and on school transportation.

The District and parents should be aware that in addition to the procedures outlined in this policy, there exists an independent procedure for review by the District Committee on Special Education and Section 504 Committee of the programs and services offered to disabled students. Pertinent information can be found in "Special Education in New York State for Children Ages 3-21, A Parent's Guide" and the "NYSED Procedural Safeguards Notice."

GRIEVANCE PROCEDURE

Section 1

If any person believes that the District or any of the District's staff or any third party has failed to apply or has inadequately applied the principles or regulations of (1) Title VI and Title VII of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) Section 504 of the Rehabilitation Act of 1973, (4) The Boy Scouts of America Equal Access Act of 2001, or (5) the Title II of the Genetic Information Non-discrimination Act of 2008, that person may bring forward a complaint, which shall be referred to as a grievance, to the District's Compliance Officer, Section 504 Coordinator, building administrator, or the United States Office for Civil Rights, Department of Education, Washington, D.C. 20201 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html> .

The Compliance Officer/Section 504 Coordinator or building administrator will then investigate the substance of the grievance in a thorough and impartial manner. The Complainant may provide evidence or witnesses to the Compliance Officer or Section 504 Coordinator as part of the investigation. If a determination is found that discrimination occurred, the District will take appropriate steps to prevent further harassment from occurring and to correct the effects of said harassment if appropriate.

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Further, the District prohibits retaliation against any individual filing a complaint under this policy or participating in any resulting investigation. If you believe you are being retaliated against, you should contact the District's Compliance Officer or Section 504 Coordinator or the United States Office for Civil Rights as noted above.

The District's Compliance Officer and Section 504 Coordinator are:

Compliance Officer: Director of Special Services (607)757-2212

Section 504 Coordinator: Director of Special Education (607) 757-3428

Examples of conduct violating this policy include, but are not limited to:

- Use of race-based language such as the "n" word
- Unwelcome sexual advances such as touching or groping
- Failure to follow a 504 Plan
- Making fun of someone because of where they come from or their accent
- Making fun of someone's clothes based on gender bias or religious/ethnic traditions
- Making fun of someone based on their disability
- Any verbal or physical conduct that has the purpose of creating an intimidating, hostile or offensive working or academic environment

Section 2

Step (a):

The Complainant shall discuss the grievance informally with the Compliance Officer/Section 504 Coordinator or building administrator, or may file a written complaint with the Compliance Officer/Section 504 Coordinator or building administrator. The Compliance Officer/Section 504 Coordinator or designee will then investigate in an impartial and thorough manner the substance of the grievance. Both the Complainant and the person alleged to be engaging in discrimination may provide evidence or witnesses to the investigator as part of the investigation. The Compliance Officer/Section 504 Coordinator or designee will reply to the Complainant and person(s) alleged to be engaged in the harassment in writing in a reasonable amount of time after the initiation of the complaint. If a determination is made that discrimination occurred, the District will take appropriate steps to prevent further harassment from occurring and to correct the effects of said harassment if appropriate. Such steps will include, among other things, as appropriate, offering counseling and academic support services to the Complainant and to the person engaging in the harassment.

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Step (b):

If the Complainant or the person against whom the allegations were filed wishes to appeal the decision of the investigator, the Complainant may submit a signed statement of appeal to the Superintendent within seven (7) business days after receipt of the Compliance Officer's/Section 504 Coordinator's or designee's response. The Superintendent shall meet with the party and any representative and make such other inquiries which the Superintendent deems appropriate. The Superintendent will consider the appeal in an impartial manner. Thereafter, the Superintendent shall set forth a conclusion and respond in writing to the Complainant and the person alleged to be engaging in the harassment within fourteen (14) business days.

Step (c)

If either party is not satisfied with the conclusion of the Superintendent, that party may appeal through a signed, written statement to the Board of Education within seven (7) business days of receipt of the Superintendent's response in Step (b). In an attempt to resolve the grievance, the Board of Education shall meet with the party and any representative within thirty (30) calendar days of receipt of such an appeal. The Board of Education's written disposition of the appeal shall be sent to the Complainant within ten (10) business days of this meeting.

Step (d)

If the grievance has not been satisfactorily settled at Step (c), further appeal may be made to the Office for Civil Rights, Department of Education, Washington, D.C. 20201 <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>, NYS Division of Human Rights at <https://dhr.ny.gov/complaint>, or the EEOC at <https://www.eeoc.gov/employees/charge.cfm>.

Section 3

The Compliance Officer, on request, will provide a copy of the District's grievance procedure to any employee or student of the District.

A copy of each of the acts and regulations upon which this notice is based will be made available upon written request directed to the District's Compliance Officer and Section 504 Coordinator.

The words *person* and *Complainant* shall include an employee, a student, volunteer, or a third party of the District.

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Publication

The District shall promulgate this policy as follows:

- A copy of this policy shall be inserted in the first pay envelope of each employee every school year. For employees hired during the school year, this policy shall be inserted in the first pay envelope with the first paycheck paid to the employee.
- This policy shall be published as part of the District's student and staff handbooks.
- This policy shall be published in any recruitment materials or publications containing general information made available to participants, beneficiaries, applicants, or employees and shall include the contact information for the Compliance Officer and Section 504 Coordinator.
- This policy shall be published annually in the official newspaper of the District.
- This policy shall be provided annually to the president of each bargaining unit.
- This policy shall be placed on the District's website.

Annual publications shall contain the name, business address, and telephone number of the District's Compliance Officer and Section 504 Coordinator.

Employment Application

Each employment application of the District shall contain the following language:

The school district does not discriminate in employment or in the education programs and activities which it operates on the basis of actual or perceived race, gender identity or expression, sexual orientation, age, ethnic group, religion, religious practice, marital status, military status, familial status, domestic violence victim status, color, weight, national origin, predisposing genetic characteristics or disability in violation of Title IX of the Education Amendments for 1972, Title VI and Title VII of the Civil Rights Act of 1964, or Section 504 of the Rehabilitation Act of 1973, Title II of the Genetic Information Non-Discrimination Act of 2008, and New York State Human Rights Law, and the Boy Scouts of America Equal Access Act of 2001.

The district does not discriminate on the basis of salary history and will make no inquiry into the salary history of an applicant prior to making an offer of employment to the applicant and determining a salary.

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Replacing Policy 3420 Sexual Harassment

Historical Notes: Adopted February 22, 1994

Revises Policy 6170 adopted January 1992

Adopted 4/27/10

Amended 12/21/10 and Replacing Policy 3421 Anti-Discrimination

Historical Notes: NYS Sexual Orientation

Non-Discrimination Act,

Education Law Section 313, 2002

Update of Policy 6170, 1/92

Adopted 2/22/94

Amended 1/24/95

Reviewed 3/11/03

Amended 3/25/03

Adopted 4/27/10

Amended 12/21/10

Amended 4/3/12

Amended 7/24/12

Amended 7/8/14

Revised combined policy 3420 Adopted 4/11/2017

Amended 12/19/2017

Amended 10/22/19