

## **NON-DISCRIMINATION AND ANTI-HARASSMENT OF STUDENTS IN THE DISTRICT**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide an educational environment that is free of harassment and intimidation as required by federal and state law. Harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of discrimination and harassment of students in its educational programs and activities as applicable, on the basis of actual or perceived race, color, creed, religion, national origin, sex, gender, gender identity or the status of being transgender, sexual orientation, disability, use of a recognized guide dog, hearing dog or service dog, marital status, military status, political affiliation, or other classifications protected under federal or state law by employees, District volunteers, other students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District. Furthermore, the District provides equal access to the Boy Scouts of America and other designated youth groups. The Board further contends that administration shall be responsible for maintaining compliance with Standards Governing Civil Rights in Vocational Education Programs.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of non-discrimination and anti-harassment will be enforced on District premises and in District buildings; and at all District-sponsored events, programs and activities, including those that take place at locations off District premises.

It is intended that this policy apply to the dealings between or among employees with students; students with students; and students with vendors/contractors and others who do business with the District, as well as District volunteers, visitors, guests and other third parties regardless of immigration status.

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, gender, gender identity or the status of being transgender, sexual orientation, age, marital status, military status, veteran status, disability, use of a recognized guide dog, hearing dog or service dog, domestic violence victim status or other classifications protected under federal or state law when:

- a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education or access to education at the District;
- b) Submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting such individual;
- c) Submission to or rejection of such conduct by a student is a basis for academic decisions related to the student or a condition of the student's successful completion of any course of study or educational or extracurricular activity, including the

acceptance into or rejection from such course or activity;

- d) Such conduct has the purpose or effect of substantially or unreasonably interfere with an student's educational program and/or creates an intimidating, hostile or offensive educational environment;
- e) Such conduct has the purpose or effect of substantially or unreasonably interfering with a student's academic performance, completion of a course of study, or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment, and/or effectively bars the student's access to an educational opportunity or benefit.

### **Sex Discrimination Including Sexual Harassment**

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating individuals differently because of their gender.

Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- a) The purpose or effect of this behavior unreasonably interferes with a student's access to education or creates an intimidating, hostile, or offensive educational environment. The impacted individual does not need to be the intended target of the sexual harassment;
- b) Education depends implicitly or explicitly on accepting such unwelcome behavior; or
- c) Decisions regarding an individual's education are based on an individual's acceptance or rejection of the behavior.

Under Title IX of the Education Amendments of 1972 (Title IX), sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the District conditioning the provision of an aid, benefit, or service of the 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 District's education program or activities;
- 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:
    - (a) the length of the relationship;
    - (b) the type of relationship; and
    - (c) the frequency of interaction between the persons involved in the relationship.
- b) 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
- c) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
  - 1. fear for their safety or the safety of others; or
  - 2. suffer substantial emotional distress.
- b) Quid pro quo harassment which occurs when a person in authority tries to education benefits for sexual favors.

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. Unlawful sexual harassment also is not limited to school property. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually.

Any student who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

### **Complaints by Students**

Any student who believes that he/she has been subjected to unlawful discrimination or harassment shall report all incidents of such conduct to the District's designated Compliance Officer through informal and/or formal complaint procedures developed by the District. For

formal complaints, the District encourages students to use the Complaint Form that is part of Administrative Regulations 0110.1R, 0110.11R, and 0110.1E. While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints of discrimination and/or harassment free from interference, coercion, restraint, discrimination or reprisal.

Administration shall be responsible for establishing rules and regulations for the redress of complaints of discrimination and/or harassment through proper administrative channels. In addition, the administration shall be responsible for developing an appeals process, ensuring that students have full understanding and access to these regulations and procedure, and providing prompt, thorough and equitable consideration and determination of student complaints through District established procedures.

### **Investigation of Complaints**

The District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of discrimination or harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further discrimination or harassment.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she/they has been a victim of discrimination or harassment in the District environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of discrimination or harassment, immediately report such alleged discrimination or harassment; such report shall be directed to or forwarded to the District's designated Compliance Officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged discrimination or harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint (even an anonymous complaint), the District will conduct a prompt, equitable and thorough investigation of the charges in accordance with its applicable regulations. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of discrimination or harassment, the District will investigate such conduct promptly and thoroughly in accordance with its applicable regulations. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis. The Superintendent of Schools will inform the Board of Education of investigations involving findings of discrimination or harassment.

Based upon the results of this investigation, if the District determines that a person has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Appropriate disciplinary measures also will be applied in accordance

with legal guidelines, Education Law, District policy and regulation, Codes of Conduct, and applicable collective bargaining agreement(s). Third parties (such as District volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

### **Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination or harassment. Follow-up inquiries shall be made to ensure that discrimination or harassment has not resumed and that all those involved in the investigation of the discrimination or harassment complaint have not suffered retaliation.

### **Finding That Harassment Did Not Occur**

At any level/stage of investigation of alleged discrimination or harassment, if a determination is made that discrimination or harassment did not occur, the Compliance Officer will notify the complainant, the alleged offender and the Superintendent of Schools of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that discrimination or harassment did not occur, the Superintendent of Schools or the Superintendent's designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the District's community is not conducive to fostering discrimination or harassment in the school setting.

### **Knowingly Making False Accusations**

Students who *knowingly* make false accusations against another individual as to allegations of discrimination or harassment may also face appropriate disciplinary action.

### **Privacy Rights**

As part of any investigation, the District has the right to search all District property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

### **Civil Rights Compliance Officer (Title IX/Section 504/ADA Compliance Officer)**

The Civil Rights Compliance Officer(s) for the purpose of this policy is Lucas Christensen, Assistant Superintendent. The District prominently displays the name(s) of compliance officer(s) and contact information on appropriate materials and on the District's website. The Board shall ensure compliance with Title IX of the Educational Amendments of

1972, Section 504 of the Rehabilitation Act of 1973 and The Americans with Disabilities (ADA). The Superintendent of Schools shall designate Civil Rights Compliance Officers as the Title IX/Section 504/ADA Coordinators and shall implement regulations and procedures to resolve complaints of discrimination or harassment based on sex or disability. The Civil Rights Compliance Officers shall be responsible for providing information, including complaint procedures, and for handling complaints relative to civil rights (e.g., Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990) for any student, parent, employee or employment applicant.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardian, employees and the general public of the District's established procedures for resolving complaints of discrimination or harassment based on sex or disability. Included in such announcement will be the name(s), address(es) and telephone number(s) of the Civil Rights Compliance Officer.

The Civil Rights Compliance Officer shall also be responsible for handling complaints regarding discrimination or harassment based on race, color, creed, religion, national origin, political affiliation, gender, gender identity or the status of being transgender, sexual orientation, age, military status, veteran status, marital status, predisposing genetic characteristics, use of a recognized guide dog, hearing dog or service dog, domestic violence victim status, or access to facilities by the Boy Scouts of America or other youth group, or other classifications protected under federal and state law.

Complaints may also be filed with the New York State Division of Human Rights and the United States Department of Education Office for Civil Rights. Each agency has its own procedures and deadlines for filing complaints.

### **Development and Dissemination of Administrative Regulations**

Regulations will be developed for reporting, investigating, and remedying allegations of discrimination or harassment based on the characteristics described above. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer. Such regulations will be developed in accordance with federal and state law.

The District's established procedures for resolving complaints regarding discrimination or harassment covered under this policy shall be disseminated to adequately inform students, parents and employees of the existence of such procedures.

The Superintendent of Schools or the Superintendent's designee(s) will affirmatively discuss the topic of discrimination and harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such discrimination or harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to discrimination or harassment in the District, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for the investigation of discrimination or harassment complaints.

A copy of this policy and its accompanying regulations (0110.1R, 0110.11R, and 0110.1E) will be available upon request and may be posted at various locations in each District building. The District's policy and regulations on non-discrimination and anti-harassment will be published in appropriate District publications such as teacher/employee handbooks, student handbooks, and/or District website.

This policy should not be read to abrogate other District policies and/or regulations or the District's Code of Conduct prohibiting other forms of unlawful discrimination or harassment, inappropriate behavior, and/or hate crimes within the District. It is the intent of the District that all such policies and/or regulations be read consistently to provide the highest level of protection from unlawful discrimination or harassment in the provision of employment/educational services and opportunities. However, different treatment of any student which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of District policy.

### **Public Notification**

The District shall issue an appropriate public announcement which advises students, parents, employees and the general public that all educational opportunities, including those in Career and Technical Education, will be offered without regard to actual or perceived race, color, creed, religion, national origin, political affiliation, sex, gender, gender identity or the status of being transgender, sexual orientation, age, marital status, military status, veteran status, disability, use of a recognized guide dog, hearing dog or service dog, domestic violence victim status or other classifications protected under federal or state law. Included in such announcement will be the name, address, and telephone number of the person(s) designated to coordinate Title IX/Section 504 activities.

### References:

Americans With Disabilities Act of 1990, 42 United States Code (USC) Section 12101 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.  
Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.  
Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.  
Boy Scouts of America Equal Access Act  
New York State Human Rights Law  
Civil Rights Law Section 40-c  
Education Law Section 2801(1)  
Executive Law Section 290 et seq.  
Education Law Sections 2045(2) and 4601  
Commissioner's Regulations Sections 100.2(h) and 141 et seq.

Effective Date: March 5, 2024