

**NON-DISCRIMINATION AND ANTI-HARASSMENT  
OF STUDENTS IN THE SCHOOL  
REGULATION**

**Section I: Non-Discrimination and Anti-Harassment Policy Enforcement**

A. Purpose: The complaint procedure established by this regulation shall provide for the prompt and equitable resolution of all complaints alleging discrimination (including harassment) on the basis of actual or perceived race, color, creed, national origin, religion, age, economic status, marital status, veterans' status, political affiliation, domestic victim status, use of a guide dog, hearing dog or service dog, disability, deny access under the Boy Scouts of America Equal Access Act, or other classifications protected under federal or state law. The complaint procedure established by Regulation 0110.11R shall be used to provide for the prompt and equitable resolution of all complaints alleging discrimination (including harassment) on the basis of gender, sex, and/or sexual orientation.

B. Scope: The complaint procedure established by this regulation shall apply to all claims of discrimination described above arising from dealings between or among students with other students, employees with students, and students with vendors, contractors, volunteers, visitors, guests and other third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

C. Prohibited Conduct:

1. The characterizations and examples below are intended to serve as a general guide for individuals in determining whether to file a complaint of discrimination or harassment, and should not be construed to add or limit the rights individuals and entities possess as a matter of law.
2. Discrimination is, generally, the practice of conferring or denying privileges on the basis of membership in a legally protected class. Discriminatory actions may include, but are not limited to denying an individual access to facilities or educational benefits on the basis of his/her membership in a protected class or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.
3. Harassment generally consists of subjecting an individual, on the basis of his/her membership in a protected class, to conduct and/or communications that are sufficiently severe, pervasive, or persistent as to have the purpose or effect of creating an intimidating, hostile, or offensive environment, substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being, or

otherwise adversely affecting an individual's educational opportunities.

4. Harassment can include unwelcome verbal, written, or physical conduct which offends, denigrates, or belittles an individual because of his/her membership in a protected class. Such conduct includes, but is not limited to derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

## **Section II: Complaints**

The Board of Education has an affirmative duty to maintain a school district free from all forms of discrimination (including discrimination and harassment on the basis of sex). Any person who believes he or she has been the target of discrimination, including discrimination on the basis of sex, by a student, district employee, or third party related to the school is required to report complaints as soon as possible after the incident(s) in order to enable the District to effectively investigate and resolve the complaint. In addition, all District employees are expected to promptly report harassment and discrimination that they observe or have reason to be aware of. Complainants are encouraged to submit the complaint in writing using the form attached to this Regulation as 0110.1E, however complaints may be made in a different form of writing or verbally. Complaints should be filed with the principal of the building to which the employee or student is assigned or the District's Civil Rights Compliance Officer. The District's Civil Rights Compliance Officer can be contacted at the following address, telephone number, and email address:

**Lucas Christensen, Ichabod Crane CSD Central Office, PO Box 820, Valatie, NY 12180; (518) 758-7575, ext 3009, LChristensen@IchabodCrane.org**

If notification of a complaint is made to anyone other than the Civil Rights Compliance Officer, then the recipient of said notification shall immediately inform the Civil Rights Compliance Officer of the allegation of discrimination, unless the allegation of discrimination is made against the Civil Rights Compliance Officer in which case the recipient of said notification shall immediately inform the Superintendent or the President of the Board of Education.

## **Section III: Investigation and Resolution**

### **A. Initial Procedure**

1. The principal or the Civil Rights Compliance Officer (or his or her designee) shall conduct a preliminary review when he or she receives a verbal or written complaint of discrimination, or if he or she observes discrimination or harassment covered by this

regulation. Except in the case of severe or criminal conduct, the principal or the Civil Rights Compliance Officer (or his or her designee) should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

2. As soon as possible, but no later than three (3) school days following receipt of a complaint, the principal or the Civil Rights Compliance Officer (or his/her designee) shall investigate all allegations of discrimination or harassment covered by this regulation in as confidential and sensitive a manner as possible. However, because an individual's need for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The principal or the Civil Rights Compliance Officer or his/her designee will discuss confidentiality standards and concerns with all complainants.

The principal or the Civil Rights Compliance Officer, or his or her designee, will conduct an investigation into any complaint brought forward pursuant to this Regulation that will include the following steps:

- a. Interview the complainant and document the conversation. Instruct the complainant to have no contact or communication regarding the complaint with the accused. Ask the complainant specifically what action he/she wants taken in order to resolve the complaint. Interim measures shall be made available to the complainant during the District's investigation. In the case of students, such measures may include, but are not limited to, referring the complainant, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services. Additional interim measures may include the adjustment of schedules, "stay-away" agreements between the complainant and the accused, and the establishment of "safe spaces" within the building to which the complainant can avail himself or herself. Such interim measures shall be designed to address concerns raised by the complainant during the pendency of the District's investigation and shall not disproportionately impact the complainant.
- b. Review any written documentation of the harassment or discrimination prepared by the complainant. If the complainant has not prepared written documentation, assist

the complainant with doing so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.

- c. Interview the accused regarding the complaint and inform him or her that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the accused an opportunity to respond to the allegations in writing.
  - d. Instruct the accused to have no contact or communication regarding the complaint with the complainant and to not retaliate against the complainant. Warn the accused that if he/she makes contact with or retaliates against the complainant, he/she will be subject to immediate disciplinary action.
  - e. Inform the parties of their right to present any witnesses or other evidence and interview any witnesses to the complaint, including witnesses identified by the complainant and/or the accused. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
  - f. Review all documentation and information relevant to the complaint, including any evidence submitted by the parties.
3. Within twenty (20) working days from the commencement of the investigation, or as soon as practicable thereafter based on the nature and status of the investigation, the complainant and the accused shall be notified in writing, and also in person as appropriate, regarding the results of the investigation and the action taken to resolve the complaint, subject to all applicable confidentiality concerns and obligations. If the investigation was conducted by someone other than the Civil Rights Compliance Officer, the investigator will inform the Civil Rights Compliance Officer of his or her findings and provide the Civil Rights Compliance Officer with all documentation relating to the investigation.
  4. The investigator shall instruct the complainant to report immediately if the objectionable behavior occurs again or if the accused retaliates against him/her. The investigator shall instruct the accused to refrain from engaging in any retaliatory behavior directed at the complainant or cause others to take such action and shall further inform the accused of the consequences.
  5. The investigator shall notify the complainant that if he/she desires further investigation and action, he/she may request a district level

investigation by contacting the Superintendent of Schools or, in the case where the Superintendent served as the investigator, the President of the Board of Education in accordance with paragraph “7”, below.

6. If the initial investigation results in a finding that discrimination or harassment did occur, the investigator will promptly notify the Superintendent, who shall then take appropriate action in accordance with district policy, applicable collective bargaining agreement, and/or state law. The District will also take all appropriate steps to prevent the recurrence of discrimination and/or harassment, and correct any discriminatory effects, if appropriate.
7. Any party who is not satisfied with the outcome of the initial investigation by the principal or the Civil Rights Compliance Officer (or his/her designee) may request a review of the investigation by submitting a written request for a review to the Superintendent (or Board of Education President, where the Superintendent served as the investigator) within thirty (30) calendar days from the date of the written determination issued in the initial investigation.

**B. District Level Appeal Procedure**

1. The Superintendent shall promptly review and resolve all complaints of discrimination that are appealed to him or her following an investigation by the Principal or Civil Rights Compliance Officer (or his or her designee, if other than the Superintendent). In the event the complaint of discrimination or harassment involves the Superintendent, or where the Superintendent served as the initial investigator and it is his or her determination that is being appealed from, the complaint shall be filed with or referred to the Board of Education President.
2. The district level appeal procedure should begin as soon as possible but not later than three (3) working days following receipt of the complaint by the Superintendent or Board of Education President.
3. If a District review results in a determination that discrimination or harassment did occur, prompt corrective action will be taken to end the discrimination or harassment. Where appropriate, the District may suggest mediation as a means of exploring options of corrective action.
4. No later than thirty (30) days following receipt of the appeal, the Superintendent (or, as the case may be, the Board of Education) will notify the complainant and alleged discriminator or harasser, in writing, of the outcome of the investigation, subject to all applicable confidentiality concerns and obligations. If additional

time is needed to complete the review or take appropriate action, the Superintendent or Board of Education will provide all parties with a written status report within thirty (30) days following receipt of the complaint.

5. Any review of a determination by the Superintendent may be appealed in writing to the Board of Education within thirty (30) days of the determination by the Superintendent. The Board of Education will review the appeal in accordance with the guidelines set forth above.
6. The complainant and the alleged discriminator or harasser have the right to be represented by a person of their choice, at their own expense, during discrimination or harassment investigations and hearings. In addition, complainants have the right to register discrimination or harassment complaints with the U.S. Department of Education's Office for Civil Rights.

#### **Section IV: Retaliation Prohibited**

Any act of retaliation against any person who opposes discriminatory or harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a prohibited discrimination or harassment complaint is prohibited. For purposes of this Regulation, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

#### **Section V: Consequences Where Discrimination and/or Harassment is Found**

If discrimination and/or harassment is found to have occurred, the District will take all appropriate steps to prevent the recurrence of such discrimination and/or harassment, and correct any discriminatory effects of that behavior that may remain. In addition, any individual who violates the Non-discrimination and Anti-harassment Policy by engaging in prohibited discrimination or 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.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

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

#### **Section VI: Questions**

Inquiries or concerns regarding civil rights compliance by the District, including the application of Title IX and its implementing regulation, may be referred to the District's Superintendent of Schools as its designated Civil Rights Compliance Officer. Inquiries and complaints may also be directed to the Office for Civil Rights, New York Office, U.S. Department of Education, 32 Old Slip, 26<sup>th</sup> Floor, New York, New York 10005; telephone: (646) 428-3800; electronic mail: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov).

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