

## MISSION STATEMENT AND VISION

The Board of Education recognizes that to govern effectively, it must clearly define why the district exists and what it aspires to be. The Board therefore adopts the following mission statement to convey the district's purpose, and vision to set forth what the district should strive to become in the future.

### Mission Statement

Our mission is to nurture and enrich our students' natural delight in learning and in the powers of mind and body. Each child's awakening into confident young adulthood requires guided engagement with vital ideas and events of the past to realize fresh possibilities and discoveries for the future.

We aspire to foster in our students those qualities of character consonant with the ideals of a democratic society. We are committed to reaching beyond routine expectations in a learning environment that encourages inquiry and builds its daily practice upon respect for oneself and others.

### Vision

North Shore supports the belief that we are a community of learners, (students, teachers, parents and community members), where each member of the community is committed to the learning of all individuals. Our schools shall provide a well-articulated program that meets the needs of each of our students for life and work in a "knowledge society," in a fashion that reflects North Shore's philosophy of education; is developmentally appropriate; and is properly responsive to state and national standards as well as the views of discipline-based professional organizations.

The Board recognizes that while the vision is intended to be a long-range statement of the ideal future for the district, it still requires continual evaluation. Accordingly, the Board will review the vision statement annually in developing the district's annual goals.

Cross-ref: 0300, Accountability

Adoption date: June 15, 2006

## **Non-Discrimination and Equal Opportunity**

The Board of Education, its officers and employees, shall not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to race, color, national origin, creed, religion, marital status, sex, (including pregnancy, childbirth, or related medical condition), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, or use of a Guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state laws and regulations.

This policy of non-discrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Additionally, to promote the 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 district's Director of Technology is responsible for considering the following when developing or updating the district 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 district's website.

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 District shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice shall:

1. Inform parents, 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); .
- a.
  2. Provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
- b.
  3. Be included in announcements, bulletins, catalogues, and applications made available by the district.

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

All complainants and those who participate in the investigation of a complaint in conformity with state law, and School 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  
                   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.*  
Genetic Information Nondiscrimination Act of 2008 P.L. 110-233  
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](http://www.ada.gov/pcatoolkit/toolkitmain.htm)

Adoption date: June 14, 2018  
Revised: May 6, 2021

## Equal Opportunity and Non-Discrimination Regulation

The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

### Definitions

1. *Complainant* shall mean an applicant, employee, student or vendor who alleges that they have been subjected to discrimination, which may be a violation of this policy, as well as a violation of federal or state law or associated regulations, which has affected him/her.
2. *Complaint* shall mean any alleged act of discrimination which may be a violation of this policy, which may also violate federal and state civil rights laws or associated regulations.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 and the ADA. The district's compliance officer is the Assistant Superintendent for Instruction.

The investigation and resolution of any complaints alleging an action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following prompt, equitable and impartial manner:

#### A. Stage I – Compliance Officer

4. As soon as practicable, if possible within thirty (30) days after the events giving rise to the allegation, the complainant shall file a complaint, preferably in writing using the district's complaint form, with the Compliance Officer. The Compliance Officer may informally discuss the complaint with the complainant. The Compliance Officer shall promptly and thoroughly investigate the matter. All employees and students of the School District shall cooperate with the Compliance Officer in such investigation.
5. Within fifteen (15) days of the receipt of the complaint, the Compliance Officer shall make a finding in writing that there has or has not been a violation of the Civil Rights Act Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
6. If the complainant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the complaint, the complainant may, within fifteen (15) days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

B. Stage II – Superintendent of Schools

7. The Superintendent of Schools may request that the complainant, the Compliance Officer, student, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the complaint and the facts surrounding it.
8. The Superintendent of Schools shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within fifteen (15) school days of the receipt of the appeal by the Superintendent.
9. Within fifteen (15) days of the hearing, the Superintendent of Schools shall render their determination in writing. Such determination shall include a finding that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA and, if applicable, a proposal for equitably resolving the complaint.
10. If the complainant is not satisfied with the determination of the Superintendent, or the proposed resolution, the complainant may, within fifteen (15) days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III – Board of Education

11. When a request for review by the Board of Education has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board
12. The Board of Education shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within fifteen (15) school days of the receipt of the request of the complainant.
13. The Board of Education shall render a decision in writing within fifteen (15) days after the hearing has been concluded.

Adoption date: June 14, 2018

Revised: May 6, 2021

## SEXUAL HARASSMENT

Sexual harassment is against federal and state law. The Board is committed to maintaining an educational and working environment free from such harassment, and therefore prohibits sexual harassment of students and employees in the District. The District will establish detailed policies and regulations for both students and employees which address definitions, protections, prohibited behavior (including retaliation), prevention activities, training/education, complaint reporting, investigations, and consequences.

Cross-ref:

0110.1, Sexual Harassment of Students

0110.2, Sexual Harassment of Employees

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.*

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

Education Law §§10-18 (Dignity for All Students Act)

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace 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)

*Oncala 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)

*Cannon v. University of Chicago*, 441 U.S. 677 (1979)

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)*

*Adopted: June 14, 2018*

*Revised: June 17, 2021*

## **SEXUAL HARASSMENT OF STUDENTS**

The Board of Education recognizes that harassment of students on the basis of sex, sexual orientation and/or gender identity, and expression is abusive and illegal behavior that harms those targeted 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.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. 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 actual or perceived sex, sexual orientation, and/or gender identity and expression, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of a student's education;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting a student's education; or
- c. the conduct has the purpose or effect of unreasonably interfering with a student's school performance or creating an intimidating, hostile or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment;

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 (0110.1-R).

The Board of Education is committed to providing an educational 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 outside the District, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights including when harassment is done by electronic means. Sanctions will be enforced against all those who engage in sexual harassment or

retaliation, and against District personnel who knowingly allow such behavior to continue.

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

Under various state and federal laws, students have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. The District's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board of Education to effectively enforce this policy and to take prompt corrective measures, it is essential that all those who are targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District 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.

If, after appropriate investigation, the District finds that a person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, District policy and state law.

All complainants 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.

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, the Board directs that training programs 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, or a simplified version, will be posted in a prominent place in each District facility, on the District's website, and will also be published in student registration

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materials, student, parent and employee handbooks, and other appropriate school publications.

A committee of administrators, teachers, parents, and students and the school attorney will 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:

Policy 0115 Student Harassment and Bullying Prevention and Intervention  
Policy 5300 Code of Conduct

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.*  
*Education Law §§10-18 (The Dignity for All Students Act)*

*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)

*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)

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Adoption Date: June 14, 2018

Revised: June 17, 2021

## SEXUAL HARASSMENT OF STUDENTS REGULATION

This regulation is intended to create and preserve an educational environment free from unlawful sexual harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression, in furtherance of the District's commitment to provide a healthy and productive environment for all students that promotes respect, dignity and equality.

### **Sexual Harassment Defined**

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's actual or perceived sex, gender, or sexual orientation, when:

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

Sexual harassment can include unwelcome sexual advances, requests for sexual favors and other verbal, nonverbal, or physical conduct of a sexual nature, or nonverbal or physical aggression, intimidation or hostility that is based on sex, gender and sexual stereotypes.

### **Unacceptable Conduct**

School-related conduct that the District 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;

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2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc., or when accompanied by implied or overt threats concerning the school evaluations, other benefits or detriments of the individual who was targeted;
3. unwelcome 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.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "panting" or "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 actual or perceived sex, sexual orientation, gender identity or expression, such as interfering with, destroying or damaging a person's school area or equipment; sabotaging that person's school activities; bullying, yelling, or name calling; or otherwise

interfering with that person's ability to participate in school functions and activities; and

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13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, 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 (for example, during class projects, physical education classes or field trips) because of the individual's actual or perceived sex, sexual orientation, and/or gender identity or expression;
  - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's actual or perceived sex, sexual orientation, or gender.

For purposes of this regulation, action or conduct will be considered "unwelcome" if the student 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 individual's education in a way that violates their legal rights, including when the harassment is done by electronic means.

#### **Determining if Prohibited Conduct is Sexual Harassment**

Complaints of sexual harassment 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 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 their education or altered the conditions of the student's learning 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 a peer);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the those targeted by 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.

### **Reporting Complaints**

Students who believe they have been the target of sexual harassment related to the school setting are 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 is also encouraged to report the incident or behavior to the District. Those who have been a target of sexual harassment 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; however, students may go to any District employee with sexual harassment complaints.

Any school employee who receives a complaint of sexual harassment from a student must inform the student of the employee's obligation to report the complaint to the school administration, and must then immediately notify the Principal and/or the Title IX Coordinator.

In order to assist investigators, those targeted 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 response to the harassment by those who have been targeted.

### **Confidentiality**

It is District policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the District will not release the details of a complaint or the identity of the complainant 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

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 **0110.1-R**

right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation will inform the complainant that:

1. the request may limit the District's ability to respond to their complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation occurs.

If the complainant 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 District from responding effectively to the harassment and preventing the harassment of others.

### **Investigation and Resolution Procedure**

#### **A. Initial (Building-level) Procedure**

The Principal or the Title IX Coordinator will conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX Coordinator 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. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

Immediately, but no later than two working days following receipt of a complaint, the Principal or Title IX Coordinator shall begin an investigation of the complaint according to the following steps:

1. Interview those targeted and document the conversation. Instruct those targeted to have no contact or communication regarding the complaint with the alleged harasser. Ask those targeted specifically what action they want taken in order to resolve the complaint. Refer those targeted, as appropriate, to school social

workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.

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2. Review any written documentation of the harassment prepared by those targeted. If those targeted have not prepared written documentation, ask those targeted to do so,

providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX Coordinator shall complete a complaint form (see exhibit 0115-E, Student Bullying and Harassment Complaint Form) based on the verbal report.

3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with those targeted and to not retaliate against those targeted. Warn the alleged harasser that if they make such contact with or retaliate against those targeted, they will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
  - a. discussion with the accused, informing them of the District's policies and indicating that the behavior must stop;
  - b. suggesting counseling and/or sensitivity training;
  - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
  - d. requesting a letter of apology to the complainant;
  - e. writing letters of caution or reprimand; and/or
  - f. separating the parties.
9. Involvement and Notification
  - a. Parents/guardians of students who have been targeted and accused students will be notified within one school day of allegations that are serious or involve repeated conduct.

- b. The parents/guardians of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.

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- c. If either those targeted or the accused is a student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability had an impact upon the policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.
  - d. The Principal or Title IX Coordinator (i.e., the investigator) will submit a copy of all investigation and interview documentation to the Superintendent.
  - e. The investigator will report back to both those targeted and the accused, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator will instruct those targeted to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
  - f. The investigator will notify those targeted that if they desire further investigation and action, they may request a District-level investigation by contacting the Superintendent of Schools. The investigator will also notify those targeted of their right to contact the New York State Division of Human Rights, the U.S. Department of Education's Office for Civil Rights, and/or a private attorney.
10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
- a. A list of all documentation and other evidence reviewed, along with a detailed summary;
  - b. A list of names of those interviewed along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of prior relevant incidents, reported or unreported; and
  - e. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who will then take prompt disciplinary action in accordance with District policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student

harassment, criminal touching, quid pro quo (e.g., offering an academic reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint will be referred promptly to the Superintendent. In addition, where the Principal or the Title IX Coordinator has a reasonable suspicion that

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the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a District employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX Coordinator may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

#### B. District-level Procedure

The Superintendent will promptly investigate and resolve all sexual harassment complaints that are referred by a Principal or Title IX Coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX Coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to a trained investigator not employed by the District for investigation.

The District-level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal District-level investigation, the District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify those targeted and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Those targeted and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings.

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### **External Remedies**

In addition, those targeted have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR) and the New York State Division of Human Rights (DHR). 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>. The DHR can be contacted at (888) 392-3644, [www.dhr.ny.gov/complaint](http://www.dhr.ny.gov/complaint), or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits 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 or coerced sex acts, or other acts which may constitute a crime.

### **Retaliation Prohibited**

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, 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 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.

### **Discipline/Penalties and Consequences**

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary and/or remedial action. 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.

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**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.

**“Non-employees”** (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): 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 sexual harassment may result in corrective or disciplinary action taken against the complainant.

### Training

All students and employees will be informed of this policy and regulation in student and employee handbooks, on the District website and student registration materials. A poster summarizing the policy will also be posted in a prominent location at each school. All secondary school student body officers will receive District training about the policy at the beginning of each school year.

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, and on appropriate and inappropriate behavior.

Building Principals are 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 those targeted.

Adopted: June 14, 2018

Revised: June 17, 2021

## SEXUAL HARASSMENT OF EMPLOYEES

The Board of Education recognizes that harassment of 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, sexual orientation, and/or gender identity and expression is abusive and illegal behavior that harms those targeted and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in the workplace is essential to ensure a healthy, nondiscriminatory environment in which employees and “non-employees” can work productively.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. For purposes of this policy, sexual harassment includes harassment on the basis of perceived or self-identified sex, sexual orientation, gender identity and expression, and transgender status.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Such harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

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 and expression, and transgender status, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment; or
- c. the conduct has the purpose or effect of unreasonably interfering with an employee's or “non-employee's” work or creating an intimidating, hostile or offensive work environment, even if the complaining individual is not the intended target of the sexual harassment;

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 (0110.2-R).

The Board is committed to providing a 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 work setting if the harassment impacts the individual's

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. For employees, sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against all those who engage in sexual harassment or retaliation, and against supervisory and managerial personnel who knowingly allow such behavior to continue.

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

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 District's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all those who have been targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District 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 work due to the nature of the complaint, the District will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the District finds that a person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, District policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation.

All complainants 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-related, or occur in the workplace, to constitute unlawful retaliation.

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, the Board directs that training programs 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, or a simplified version, will be posted in a prominent place in each District facility, on the District's website, and shall also be published in employee handbooks, and other appropriate school publications.

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

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *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 employees and non-employees)  
Labor Law §201-g (required workplace 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)  
*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)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)

Adoption date: June 17, 2021

## SEXUAL HARASSMENT OF EMPLOYEES REGULATION

This regulation is intended to create and preserve a working environment free from unlawful sexual harassment on the basis of perceived or self-identified sex, sexual orientation, and/or gender identity and expression, in furtherance of the District's commitment to provide a healthy and productive environment for all 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 “non-employees” (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) that promotes respect, dignity and equality.

### Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Such harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's perceived or self-identified sex, sexual orientation, gender identity or expression, and transgender status when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or “non-employee's” employment; or
2. submission to or rejection of that conduct by an individual is used as the basis for decisions affecting the employee's or “non-employee's” employment; or
3. the conduct or communication has the purpose or effect of substantially unreasonably interfering with an employee's or “non-employee's” work performance or creating an intimidating, hostile or offensive working environment, even if the complaining individual is not the intended target of sexual harassment.

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 sex, gender and sexual orientation stereotypes.

## Unacceptable Conduct

Conduct that the District 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 promotions, preferences, favors, selection for job assignments, etc., or when accompanied by implied or overt threats concerning work evaluations, other benefits or detriments of those targeted;
3. unwelcome 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.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "pantsing" or "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 perceived or self-identified sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work area or equipment; sabotaging that person's work 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 unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, 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 (including, but not limited to, projects or trips) because of the individual's perceived or self-identified sex, sexual orientation, gender identity or expression or transgender status;
  - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex, sexual orientation or gender.

For purposes of this regulation, action or conduct will be considered "unwelcome" if the 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 work setting if the harassment impacts the individual's 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.

### **Determining if Prohibited Conduct is Sexual Harassment**

Complaints of sexual harassment 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 or based on sex may constitute sexual harassment. Such conduct must rise above what a reasonable victim of

discrimination with the same protected characteristics would consider petty slights or trivial inconveniences 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 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 a peer);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and those who were targets of 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.

### **Reporting Complaints**

Employees and "non-employees" who believe they have been the target of sexual harassment in the workplace are 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 an employee or "non-employee" is also encouraged to report the incident or behavior to the District. Those targeted 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; however, employees and "non-employees" can report complaints to any supervisor or manager.

School employees receiving complaints of sexual harassment from employees and "non-employees" must either direct the complainant to the Building Principal or Title IX Coordinator, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by employees and "non-employees" to the Principal or Title IX Coordinator, 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, those targeted 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; witnesses to the harassment; and response to the harassment by those targeted.

### **Confidentiality**

It is District policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the District will not release the details of a complaint or the identity of the complainant 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 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 staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation will inform the complainant that:

1. the request may limit the District's ability to respond to their complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation occurs.

If the complainant 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 District from responding effectively to the harassment and preventing the harassment of others.

### **Investigating and Resolution Procedure**

#### **A. Initial (Building-level) Procedure**

The Principal or the Title IX Coordinator will conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX

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Coordinator 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. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

Immediately, but no later than two working days following receipt of a complaint, the Principal or Title IX Coordinator shall begin an investigation of the complaint according to the following steps:

1. Interview those targeted and document the conversation. Instruct those targeted to have no contact or communication regarding the complaint with the alleged harasser. Ask those targeted specifically what action they want taken in order to resolve the complaint. Refer those targeted, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by those targeted. If those targeted have not prepared written documentation, ask those targeted to do so, providing alternative formats for individuals with disabilities who may need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX Coordinator shall complete a complaint form (see exhibit 0110.2-E) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with those targeted and to not retaliate against those targeted. Warn the alleged harasser that if they make such contact with or retaliate against those targeted, they will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing them of the District's policies and indicating that the behavior must stop;
  - b. suggesting counseling and/or sensitivity training;
  - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
  - d. requesting a letter of apology to the complainant;
  - e. writing letters of caution or reprimand; and/or
  - f. separating the parties.
9. Involvement and Notification
- a. If the alleged harasser is a student, their parents/guardians will be notified within one school day of allegations that are serious or involve repeated conduct.
  - b. If the alleged harasser is a student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability caused the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.
  - c. The Principal or Title IX Coordinator (i.e., the investigator) will submit a copy of all investigation and interview documentation to the Superintendent.
  - d. The investigator will report back to both those targeted and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator will instruct those targeted to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
  - e. The investigator will notify those targeted that if they desire further investigation and action, they may request a District-level investigation by contacting the Superintendent of Schools. The investigator will also notify those targeted of their right to contact the U.S. Department of Education's Office for Civil Rights, the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, and/or a private attorney.
10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
- a. A list of all documentation and other evidence reviewed, along with a detailed summary;
  - b. A list of names of those interviewed along with a detailed summary of their statements;
  - c. A timeline of events;
  - d. A summary of prior relevant incidents, reported or unreported; and

- e. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who will then take prompt disciplinary action in accordance with District policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint will be referred promptly to the Superintendent. In addition, where the Principal or the Title IX Coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate law enforcement authorities. Where criminal activity is alleged or suspected by a District employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX Coordinator may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

#### B. District-level Procedure

The Superintendent will promptly investigate and resolve all sexual harassment complaints that are referred by a Principal or Title IX Coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX Coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to a trained investigator not employed by the District for investigation.

The District-level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal District-level investigation, the District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify those targeted and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Those targeted and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings.

### **External Remedies**

Employees who have been targeted have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR), the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). 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>. The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, [info@eeoc.gov](mailto: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](http://www.dhr.ny.gov/complaint), or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits 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 or coerced sex acts, or other acts which may constitute a crime.

### **Nondisclosure agreements**

The District 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 complainant's preference. Any such nondisclosure

agreement will be provided in writing to all parties in plain English and, if applicable, in the primary language of the complainant. Complainants have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and have seven days to revoke the agreement after signing. Nondisclosure agreements only become effective after this seven-day period has passed.

### **Retaliation Prohibited**

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, 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 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.

### **Discipline/Penalties**

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary and/or remedial action. 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.

**“Non-employees”** (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): 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 sexual harassment may result in corrective or disciplinary action taken against the complainant.

**Training**

All employees will be informed of this policy and regulation in employee handbooks, on the District website and other appropriate materials. A poster summarizing the policy will also be posted in a prominent location at each school. The District will provide all existing employees with either a paper or electronic copy of the District's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

All students will be informed of the basic provisions of this policy and regulation (e.g., that sexual harassment of employees and "non-employees" is prohibited, as well as what is appropriate and inappropriate behavior) in student handbooks, on the District website and student registration materials. 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 on appropriate and inappropriate behavior.

All new employees will receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless they can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees will be provided training at least once a year regarding this policy and the District's commitment to a harassment-free working environment. Principals, Title IX Coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment will receive yearly training on this policy, regulation and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

Annual employee training programs will 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; (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 are 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 those targeted.

Adopted: June 14, 2018

Revised: June 17, 2021

**SEXUAL HARASSMENT OF EMPLOYEES EXHIBIT**

**Complaint Form For Reporting Sexual Harassment**

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for those targeted to report alleged incidents of sexual harassment.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form to the best of your ability and submit it to *[insert title, person or office designated; contact information for designee or office; how the form can be submitted]*. You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the District should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form. For additional resources, visit: <http://www.ny.gov/programs/combating-sexual-harassment-workplace>

**YOUR INFORMATION** (for all persons making a complaint)

Your Name:

Home Address:

Home or Cell Phone:

Email:

Work Address:

Work Phone:

Job Title:

Preferred Communication Method (please select one): phone, email, mail, in person

**SUPERVISOR INFORMATION**

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

**COMPLAINT INFORMATION**

1. Your complaint of Sexual Harassment is made against (please include as much information as possible, if known):

Name:

Job Title (if an employee):

Grade/Class (if a student):

School/Work Location:

Phone:

Relationship to you (please circle one below):

Supervisor / Subordinate / Co-Worker / Student / Other:

\_\_\_\_\_

*(Please use additional sheets of paper if the complaint is against multiple people.)*

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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3. Date(s) and location(s) sexual harassment occurred: \_\_\_\_\_

Is the sexual harassment continuing? \_\_\_\_ Yes \_\_\_\_ No

4. Please list the name and contact information (if known) of any witnesses or individuals who may have information related to your complaint:

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5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the District? \_\_\_\_ Yes \_\_\_\_ No

If yes, when and to whom did you complain or provide information?

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If you have retained legal counsel and would like us to work with them, please provide their contact information.

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Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Instructions for the District**

If you receive a complaint about alleged sexual harassment, you must follow the District's sexual harassment prevention policy by investigating the allegations through actions including:

- Speaking with the complainant
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the complainant and the individual(s) against whom the complaint was made (if the alleged harasser is a student, also notify the parent/guardian). This may be done via email.

## **STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION**

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.

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.

### **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.

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## **Harassment**

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 their 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.

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.

## **Prevention**

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. A program geared to 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 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 will include in the course of instruction in grades kindergarten through twelve a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, 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 shall also include instruction on the safe, responsible use of the internet and electronic communications. 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 of people of different races, colors, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes.

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 on Bullying Prevention, as well as Bullying Prevention Coordinating Committees in each school that will be overseen by the District-wide DAC. Committees will include diverse 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 allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the District. No student identifiable information will be shared with parent Task Force members.

### **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.

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**

Although it can be difficult to step forward, the District cannot 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, they are expected to inquire about how to proceed by speaking with their supervisor. A District employee may be deemed to have permitted unlawful discrimination or harassment if they fail 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, and the District's Code of Conduct. The Building Principal will prepare a 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 (Violent and Disruptive Incident Reporting) report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the District as a 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, 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 offenders 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 District'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 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, unique learner profile, and must be consistent with the District's Code of Conduct. In all instances the student will be referred for additional intervention.

### **Non-Retaliation**

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**

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 a 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.

### **Dissemination, Monitoring and Review**

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.

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, Sexual Harassment  
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.*  
 §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)  
*Doninger v. Niehoff*, 527 F.3d 41 (2d. Cir. 2008)  
*Pollnow v. Glennon*, 594 F.Sup. 220, 224 *aff'd* 757 F.2d. 496  
*Zeno v. Pine Plains* 702 F3rd 655 (2<sup>nd</sup> Cir. 2012)  
*Cuff v. Valley Central School District* F3rd 109 (2<sup>nd</sup> 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)  
*Oncala 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

Cross Ref: Policy 0100 Equal Opportunity  
 Policy 0110 Sexual Harassment  
 Policy 5300 Code of Conduct

Ref: Education Law, Article 2  
 Education Law § 801-a  
 8 NYCRR §§ 100.2(c), (jj), (kk)

Adoption Date: June 14, 2018  
 Revised: June 17, 2021

## STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation 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 can be reasonably expected to materially and substantially interfere 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

### Definitions

#### **Bullying**

Under the amended Dignity for All Students Act bullying and harassment are equivalent and used interchangeably. In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, bullying is further understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

1. **Power imbalance** - occurs when a bully uses his/her physical or social power over those targeted.
2. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. **Threat of further aggression** - the bully and those targeted believe the bullying will continue.
4. **Terror** - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.”  
(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying (which can be delivered orally, electronically or in writing) includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation,

undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

The New York State Education Department provides further guidance on bullying and cyberbullying prevention on the following website:

[http://www.p12.nysed.gov/technology/internet\\_safety/documents/cyberbullying.html](http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html)

### **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 listed under *Harassment* as defined below).

### **Harassment**

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and 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).
  - Gender identity is one's self-conception of their gender, as distinguished from actual biological sex or sex assigned at birth.

- Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

For purposes of this definition, the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

### **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.

### **Prevention**

Prevention is the cornerstone of the district’s effort to address bullying. The components of such an effort involve the following:

- Following the principles and practices of “*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, 2011.” District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district’s code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

The Superintendent will appoint a district-wide bullying prevention committee, chaired by the districtwide DAC. The committee will include representation from staff, administration, students and parents. The committee will assist with the development and implementation of the prevention and intervention program, which may include the strategies listed above. Building-level committees will be appointed by the building principal and will include representation from staff, administration, students and parents associated with that building.

### **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, accountable for implementation of this policy. In addition, one will be designated as the district-wide coordinator 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.

### **Incident(s) Reporting**

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all those targeted and persons with knowledge of bullying report such behavior immediately to the principal, the principal's designee or the Dignity Act Coordinator as soon as possible after the incident so that it may be effectively investigated and resolved. The district will also make a bullying complaint form available on its website to facilitate reporting. The district will collect relevant data from written and verbal complaints to allow for systematic reporting.

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to orally report it to building principal or DAC 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 they fail to report an observed incident, whether or not those targeted complain.

The district will thoroughly, promptly and equitably investigate all complaints, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of perpetrator(s); witnesses to the incident(s); and the response to the incident by those targeted.

### **Confidentiality**

It is district policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant 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 desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/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 staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

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

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

If the complainant 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 district from responding effectively to the bullying and preventing the bullying of other students.

### **Investigation and Resolution Procedure**

#### **A. Initial (Building-level) Procedure**

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a thorough preliminary review and investigation. Except in the case of severe

or criminal conduct, the principal, the principal's designee or the Dignity Act Coordinator shall make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of those targeted and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three school days following receipt of a complaint, the principal, the principal's designee or the Dignity Act Coordinator will begin an investigation of the complaint by:

- Reviewing any written documentation provided by those targeted(s).
- Conducting separate interviews of those targeted, alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
  - A "permanent" hall pass that allows the student to visit a designated adult at any time;
  - Access to private bathroom facilities;
  - Access to private locker room facilities;
  - An escort during passing periods;
  - If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
  - An opportunity for independent study at home with district-provided tutor until the case is resolved;
  - Permission to use personal cell phone in the event that the student feels threatened and needs immediate access to parent or guardian;
  - Assignment of a bus monitor.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize targeted students. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of targeted students. 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.

Parents of student who have been targeted and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to those targeted;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy, the applicable collective bargaining agreement or state law. The district will make every reasonable effort to attempt to first resolve the misconduct through non-punitive measures.

The investigator shall report back to both those who were targeted and the accused, within one week notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. Those targeted shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint shall be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities.

In addition, where the principal, the principal's designee or the Dignity Act Coordinator has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

#### B. District-level Procedure

The Superintendent or his/her designee shall promptly investigate and equitably resolve all bullying complaints that are referred to him/her, as well as those appealed to

the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate independent individual for investigation.

The district level investigation should begin as soon as possible, but not later than three school days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify those targeted and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.

The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board shall render a decision in writing within 15 school days after the hearing has been concluded.

The district shall retain documentation associated with complaints and investigations in accordance with Schedule LGS-1.

### **Retaliation Prohibited**

Any act of retaliation against any person who opposes bullying 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 bullying 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, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

### **Remediation/Discipline/Penalties**

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include

measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect those targeted of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- The use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

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 Code of Conduct 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.

### **Policy Dissemination**

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 employees shall receive information about this policy and regulation at least once a year.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and information about the impact of bullying on those targeted and bystanders.

### **Training**

Training needs in support of this bullying prevention and intervention program will be reflected in the district's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The DAC(s), administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Adoption date: June 17, 2021

**STUDENT BULLYING AND HARASSMENT COMPLAINT FORM**

The purpose of this form is to inform the district of an incident or series of incidents of bullying or harassment so we can investigate and take appropriate steps. This form can be completed by anyone.

The district prohibits bullying and harassment of students on the basis of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, and gender identity or gender expression.

Student Name: \_\_\_\_\_ Student ID: \_\_\_\_\_

Grade: \_\_\_\_\_ School: \_\_\_\_\_

Contact information: \_\_\_\_\_

1. List the name(s) of the individual(s) accused of bullying and/or harassment (use additional sheets if necessary).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Describe the incident(s). Please include when and where it happened. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. I believe the harassment is based on (check all that apply):

<input type="checkbox"/> race	<input type="checkbox"/> ethnic group	<input type="checkbox"/> sex
<input type="checkbox"/> color	<input type="checkbox"/> religion	<input type="checkbox"/> sexual orientation
<input type="checkbox"/> weight	<input type="checkbox"/> religious practice	<input type="checkbox"/> gender identity/expression
<input type="checkbox"/> national origin	<input type="checkbox"/> disability	<input type="checkbox"/> other: _____

4. Is the harassment continuing?  Yes  No

5. Please list the name (if known) of anyone who witnessed the incident or may have information related to your complaint.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*The following question is optional, but may help the district's investigation.*

6. Have you previously complained about or provided information (verbal or written) about bullying, harassment or discrimination or related incidents to the district? \_\_\_\_ Yes  
\_\_\_\_ No

If yes, when and to whom did you complain or provide information?

7. If you have retained legal counsel and would like us to work with them, please provide their contact information.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*I certify that all statements on this form are accurate and true to the best of my knowledge.*

\_\_\_\_\_  
Name Relationship to student

\_\_\_\_\_  
Signature Date

Preferred contact method (please select one): phone, email, mail, in person

Please attach any supporting documentation (i.e., copies of emails, notes, photos, etc.).

Return this form to:

Note on confidentiality:

In order to investigate the complaint, the district will disclose the content of the complaint only to those persons who have a need to know. This form will not be shown to the accused student(s)/staff.

Adoption date: June 17, 2021

## HIV/AIDS

The Board of Education recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). The Board recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board further recognizes the privacy rights of students diagnosed with HIV infection or AIDS and their right to a free appropriate public education; the rights of HIV infected employees to privacy and reasonable accommodations; the rights of all non-infected individuals to a safe environment free of any significant risks to their health; and the rights of all students to instruction regarding the nature, transmission, prevention, and treatment of HIV infection, pursuant to the Commissioner's Regulation, Part 135.3.

No individual shall be denied access to any program or activity sponsored by or conducted on the grounds of the district, solely on the basis of his/her status as an HIV-infected individual.

### Students

It is the policy of the Board that:

1. A student's education shall not be interrupted or curtailed solely on the basis of his/her HIV status. HIV-infected students shall be afforded the same rights, privileges, and services available to every other student.
2. No student shall be referred to the Committee on Special Education solely on the basis of his/her HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with his/her ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of Commissioner's Regulations.
3. If a student who is HIV-infected requires special accommodations to enable him/her to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by §504 of the Rehabilitation Act.
4. No disclosure of HIV-related information involving a student shall be made without first obtaining the informed consent of the parent, guardian or student on the Department of Health (DOH) approved form.

## Employees

It is the policy of the Board that:

1. No employees shall be prevented from continuing in his/her employment solely on the basis of his/her HIV status; such employees are entitled to all rights, privileges, and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties.
2. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of his/her status as an HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform his/her duties.
3. All employees shall have access to the district's exposure control plan as required by the federal Office of Safety and Health Association (OSHA).
4. In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

## Confidentiality

Any information obtained regarding the HIV status of an individual connected to the school shall not be released to third parties, except to those persons who are:

1. named on an Authorization for Release of Confidential HIV Related Information form;
2. named in a special HIV court order; or
3. as indicated in Public Health Law §2782, when necessary to provide health care to the individual (i.e., to the school physician and the school nurse).

Any employee who breaches the confidentiality of a person who is HIV infected shall be subject to disciplinary action in accordance with applicable law and/or collective bargaining agreement.

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further redisclosure, except when in compliance with the law, must accompany the disclosure.

## HIV/AIDS Testing

No school official shall require a student or employee to undergo an HIV antibody test or other HIV-related test. In accordance with OSHA regulations in the event of an incident involving the exposure of individuals to a potentially infectious body fluids of another individual, particularly blood or any other fluid which contains visible blood, an HIV test may be requested but NOT required. The request and refusal must be documented.

However, school officials shall not be precluded from requiring a student or employee to undergo a physical examination pursuant to Education Law §§903 and 913, when other illness is suspected (e.g., tuberculosis), as long as no HIV antibody test or other HIV-related test is administered without the individual's informed consent as required by Public Health Law §27-F.

To implement this policy, the Superintendent of Schools is directed to arrange for staff training, to distribute copies of this policy to all employees of the district, and to include it in the district's student handbook, and to establish an advisory council to make recommendations on the development, implementation, and evaluation of HIV/AIDS instruction as a part of comprehensive health education.

Cross-ref: 5420, Student Health Services

Ref: 29 USC §§794 et seq. (Rehabilitation Act of 1973)  
 20 USC §§1400 et seq. (Individuals with Disabilities Education Act)  
 42 U.S.C. §12132, et seq. (Americans with Disabilities Act)  
 34 CFR Part 104  
 29 CFR Part 1910.1030  
 Executive Law §296 (Human Rights Law)  
 Education Law §§903; 913  
 Public Health Law, Article 27-F  
 8 NYCRR §§29.1(g); 135.3; 136.3

An Implementation Package for HIV/AIDS Policy in New York State School Districts, NYS HIV/AIDS Prevention Education Program, 6/17/98.

Adoption date: June 15, 2006

Revised: December 15, 2011

## ACCOUNTABILITY

The Board of Education acknowledges that it is directly accountable to the community it has been elected to serve, and is committed to engaging in a continuous assessment of all district conditions affecting education.

The Board recognizes that a comprehensive accountability system is necessary to improve the effectiveness of the district's schools by keeping the primary focus on student achievement and on what can and should be done to improve that achievement.

Consistent with its obligations and commitments, the Board will:

1. Request regular reports on student progress and needs, based on a variety of assessments to evaluate the quality and equity of education in the district, including instruction, services, and facilities.
2. Evaluate the Superintendent's performance in accordance with policy 0320, Evaluation of the Superintendent.
3. Evaluate the Board's performance in accordance with policy 0310, Board Self-Evaluation.
4. Participate in collaboration with the Superintendent to establish and evaluate progress toward the achievement of district long- and short-term goals and ensure that board policies and resources effectively support the district vision.
5. Provide appropriate staff and board training opportunities.
6. Fulfill governance responsibilities as required by state and federal law.

The Board acknowledges that publicizing the district's progress and performance is important to maintaining the community's trust and support. The Board is committed to keeping the public aware of such progress and performance on a regular basis.

Cross-ref: 0000, Mission Statement and Vision  
0310, Board Self-Evaluation  
0320, Evaluation of the Superintendent  
1000, Community Relations Goals

Adoption date: June 15, 2006

Revised: June 14, 2018

## BOARD SELF-EVALUATION

The Board of Education is committed to the continuous improvement of the district and its own functioning. Accordingly, the members of the Board shall conduct a self-evaluation annually, during the month of June to determine the degree to which they are adhering to their responsibilities as Board members, following established procedures and protocols and the needs of their educational community.

This self-evaluation shall be positive, frank and honest, and shall focus on evaluating the Board as a whole, not as individuals. The self-evaluation shall be based on the goals the Board sets for itself, not on goals it sets for the entire district. The results of the evaluation shall be used to establish priorities for action and specific goals and objectives to strengthen the operation of the Board.

The Board shall use the North Shore Schools Board of Education Self-Evaluation Instrument, as described in regulation exhibit 0310-E

Adoption date: June 15, 2006

Revised: June 14, 2018

**EVALUATION OF SCHOOL BOARD  
OPERATIONAL PROCEDURES EXHIBIT**

**BOARD OF EDUCATION SELF-ASSESSMENT**

Pre-Assessment Activities

1. Provide each Board member (and Superintendent, if desired) with a copy of the Board self-assessment at the Board meeting preceding the Board self-evaluation meeting.
2. Instruct the Board to complete the assessment by rating each item (using a scale of 1-5 in which 5 is the highest).
3. Ask the members to return the completed form to the Board President and/or Vice President by a certain date before the assessment session.

Assessment Analysis (performed by President and/or Vice President)

1. Using a blank assessment instrument, list each Board member's rating for each item next to the item. When this instrument is complete with all members' ratings noted, it will be the summary assessment instrument.
2. After listing the ratings of all members next to each item, begin to note the following:
  - a. for items that receive a 3, 4, or 5, put a "+" (plus sign). These items are perceived as strengths by the group as a whole.
  - b. for items that receive a 1, 2, or 3, put a "-" (minus sign). These items are perceived as needing improvement.
  - c. For items that receive two or more ratings of 1 or 2 and other ratings of 3, 4, or 5, put a "check mark." Items with a "check mark" are those that received mixed ratings and must be discussed honestly during the assessment session.
3. Make a copy of this summary assessment instrument for all Board members and the Superintendent.

Assessment Session

This session is an open session. It can serve as a goal-setting session for Board performance, as the items needing improvement will be the basis of future Board performance goals. Those items receiving a "check mark" may become the basis for Board performance goals if, during group discussion, this is determined.

1. Share the assessment results with the Board and Superintendent. Begin with the identified strengths (+) under each category on the instrument. The strengths are important because they are the basis for improvement and accomplishing future goals.
2. Next, share those items that all Board members identified as needing improvement (-) under each category on the instrument. You will work with these in step 3.
3. Share by category all items that have a "check mark." There are mixed perceptions about these items, which may indicate an area that needs improvement. Discuss each item. When discussion is complete for an item, ask Board members to rate the item again. If the ratings are all low or again mixed, the Board should consider the item when writing goals, or at least note it as a task or behavior that needs attention by the group.

Adoption Date: June 15, 2006

Revised: December 15, 2011

## EVALUATION OF THE SUPERINTENDENT

The Board of Education recognizes that student achievement, district progress and community satisfaction with the schools are all in large part affected by the superintendent's performance. The Board also recognizes the superintendent cannot function effectively without periodic feedback on performance, and is committed to ensuring that the superintendent is evaluated annually as required by Commissioner's regulations.

The purposes of the evaluation shall be to:

1. Gauge the district's progress toward the goals the Board has charged the superintendent to accomplish.
2. Provide a basis for assessing the strengths and weaknesses of the Board and the superintendent and to aid in the professional development of both parties.
3. Strengthen the working relationship between the Board and the superintendent.
4. Provide a basis for commending, rewarding and reinforcing good work.

The evaluation shall focus on the goals the Board sets for the superintendent each year as well as the duties and competencies specified in the superintendent's job description.

The form the Board uses for evaluating the superintendent, (0320-E) shall be filed in the district office and available for review by any individual no later than September 10th of each year.

Cross-ref: 3120, Duties of the Superintendent

Ref: 8 NYCRR 100.2 (o)(2)(v) (Performance review of superintendent)

Adoption date: June 15, 2006

## EVALUATION OF THE SUPERINTENDENT REGULATION

### Procedures for Superintendent's Evaluation

1. During the months of August and September the Superintendent will prepare a tentative statement of areas of emphasis for the following academic year. The experiences of the past year and the results of the annual evaluation will be taken into consideration.
2. Prior to the first meeting of the Board in September, Board members will prepare any recommendation for areas of emphasis. The Superintendent will distribute copies to the entire Board two weeks prior to the meeting at which the priorities for the year will be set.
3. After review of all these materials, the Board will, at or prior to the first October meeting, establish the district's priorities for the year. It may also define any other activities they wish to use in their evaluation of the Superintendent.
4. One week prior to the first regular meeting in June, the Superintendent will prepare and distribute a written report on the accomplishment of these objectives.
5. At its first regular meeting in June the Board will discuss the report with the Superintendent. This will be done in executive session and there will be ample opportunity for a full exchange of ideas.
6. In the interval between this meeting and the second session in June, the Board will prepare a written, tentative evaluation based on the annual goals and Superintendent's job description.
7. During an executive session, as part of the second meeting in June, opportunity will be provided for a full discussion of the tentative evaluation.

In light of this exchange of information the final evaluation will be prepared and submitted to the Superintendent by June 20. He(she) will have the opportunity to respond in writing by June 30 and a copy will be attached to the evaluation.

8. In addition to the original evaluation, which will be given to the Superintendent, copies will be placed in his(her) personnel file and the files of the school district clerk.

Adoption date: June 15, 2006

Revised: December 15, 2011

## North Shore Central School District Superintendent Evaluation

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### *Instructions*

1. Attached are the self-evaluation forms to be completed by the superintendent rating each of the nine performance standards. A separate page is provided for each performance standard. Pages are also included to highlight positive performance areas as well as areas of focus. These forms should be distributed to the superintendent by \_\_\_\_\_ and returned no later than \_\_\_\_\_.
2. Subsequently, each board member, utilizing the forms completed by the superintendent, should rate the superintendent on all nine of the performance standards utilizing the completed self-evaluation. Each performance standard has performance indicators listed below it. These performance indicators suggest objective measurers to consider. Each performance indicator should not be evaluated separately; only the overall performance standard should be rated.
3. Board member comments in support of the ratings will be helpful during the board discussion for preparation of a summary evaluation form.
4. Please return the completed forms to the board vice-president for compilation. The vice-president will compile the results on a preliminary summary evaluation form.
5. The board will meet in executive session to discuss the results and prepare a final summary evaluation form representing the consensus of the board.
6. The superintendent will be presented with the final summary report from the full board, not the individual evaluation forms so that the board speaks with one voice in evaluating the superintendent.

**Standard 1: LEADERSHIP AND DISTRICT CULTURE**

This standard stresses the superintendent's performance in leadership through empowering others, visioning, helping shape school culture and climate, and understanding multicultural and ethnic differences.

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**Performance Indicators:**

(Do not rate individual indicators. These are listed only to help you think about the standard.)

- 1.1 Facilitates a community process to develop and implement a shared vision that focuses on improving student achievement
- 1.2 Promotes academic rigor that focuses on learning and excellence for schools
- 1.3 Creates and supports a community of learners that empowers others to reach high levels of performance to achieve the school's vision
- 1.4 Models learning for staff and students
- 1.5 Promotes understanding and celebrating school/community cultures
- 1.6 Promotes and expects a school-based climate of tolerance, acceptance and civility
- 1.7 Develops, implements, promotes and monitors continuous improvement processes

**Please rank your performance for this standard for the 2012-2013 school year:**

- 0 UNACCEPTABLE**
- 1 NEEDS IMPROVEMENT**
- 2 GOOD**
- 3 EXCELLENT**
- 4 OUTSTANDING**

**Comments:**

**Standard 2: POLICY AND GOVERNANCE**

This standard describes the superintendent's ability to work with the board to formulate internal and external district policy, defining mutual expectations of performance with the board and demonstrating good school governance to staff, students and the community at large.

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**Performance Indicators:**

(Do not rate individual indicators. These are listed only to help you think about the standard.)

- 2.1 Understands and articulates the system of public school governance and differentiates between policy-making and administrative roles
- 2.2 Establishes procedures for superintendent/board interpersonal and working relationships
- 2.3 Understands and interprets the role of federal, state and regional governments, policies and politics and their relationships to local districts and schools
- 2.4 Uses legal counsel in governance and procedures to avoid civil and criminal liabilities

***Please rank your performance for this standard for the 2012-2013 school year:***

- 0 UNACCEPTABLE**
- 1 NEEDS IMPROVEMENT**
- 2 GOOD**
- 3 EXCELLENT**
- 4 OUTSTANDING**

***Comments:***

**Standard 3: COMMUNICATIONS AND COMMUNITY RELATIONS**

This standard emphasize the skills necessary to establish effective two-way communications and engagement with students, staff, parents, media and the community as a whole. It also stresses responding to community feedback and building community support for and engagement with the district.

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**Performance Indicators:**

(Do not rate individual indicators. These are listed only to help you think about the standard.)

- 3.1 Develops formal and informal techniques to gain internal and external perceptions of district
- 3.2 Demonstrates effective communications skills (written, verbal and non-verbal contexts, formal and informal settings, large and small groups and one-on-one environments)
- 3.3 Promotes stakeholder involvement, engagement and participation in the process of schooling
- 3.4 Establishes effective school/community relations, school/business partnerships and public service
- 3.5 Understands the role of media in shaping and forming opinions as well as how to work with the media

**Please rank your performance for this standard for the 2012-2013 school year:**

- 0 UNACCEPTABLE**
- 1 NEEDS IMPROVEMENT**
- 2 GOOD**
- 3 EXCELLENT**
- 4 OUTSTANDING**

**Comments:**

**Standard 4: ORGANIZATIONAL MANAGEMENT**

This standard requires the superintendent to gather and analyze data for decision-making and for making recommendations to the board. It stresses the skills necessary to meet internal and external customer expectations and to effectively allocate resources.

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**Performance Indicators:**

(Do not rate individual indicators. These are listed only to help you think about the standard.)

- 4.1 Demonstrates budget management including financial forecasting, planning, cash-flow management, account auditing and monitoring
- 4.2 Develops and monitors long-range plans for school and district technology and information systems, making informed decisions about computer hardware and software, and staff development and training needs
- 4.3 Demonstrates knowledge of school facilities and develops a process that builds internal and public support for facility needs, including bond issues
- 4.4 Establishes procedures and practices for dealing with emergencies such as weather, threats to the school, student violence and trauma
- 4.5 Organization and implementation of new initiatives

***Please rank your performance for this standard for the 2012-2013 school year:***

- 0 UNACCEPTABLE**
- 1 NEEDS IMPROVEMENT**
- 2 GOOD**
- 3 EXCELLENT**
- 4 OUTSTANDING**

***Comments:***

**Standard 5: CURRICULUM PLANNING/DEVELOPMENT**

This standard addresses the superintendent's skills in staying up-to-date in curriculum, teaching, learning and testing theories. It requires the superintendent to make sound recommendations for learning technologies.

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**Performance Indicators:**

(Do not rate individual indicators. These are listed only to help you think about the standard.)

- 5.1 Develops core curriculum design and delivery systems based on content and assessment standards and best practices
- 5.2 Establishes curriculum planning to anticipate occupational trends, school-to-career needs and college preparation
- 5.3 Uses child development and learning theories in the creation of developmentally appropriate curriculum and instruction
- 5.4 Includes the use of computers, the Internet, distance learning and other technologies in educational programming
- 5.5 Assesses student progress using a variety of appropriate techniques
- 5.6 Involves faculty and stakeholders in enhancement and renewal of curriculum to ensure alignment of curriculum, instruction and assessment
- 5.7 Develops and implements assessment of any new initiatives

**Please rank your performance for this standard for the 2012-2013 school year:**

- 0 UNACCEPTABLE**
- 1 NEEDS IMPROVEMENT**
- 2 GOOD**
- 3 EXCELLENT**
- 4 OUTSTANDING**

**Comments:**

## **Standard 6: INSTRUCTIONAL LEADERSHIP**

Standard #5 addresses what is to be taught; this standard emphasizes *how* it should be taught. It emphasizes the skills required to ensure that the most effective teaching techniques are in place and that all instructional resources are used to maximize student achievement. This standard also requires applying research and best practices with respect to diversity sensitivities.

### ***Performance Indicators:***

(Do not rate individual indicators. These are listed only to help you think about the standard.)

- 6.1 Collaboratively develops, implements and monitors change process to improve student and adult learning
- 6.2 Implements appropriate safety and security practices in schools
- 6.3 Formulates plan to assess appropriate teaching methods, classroom management and strategies for all learners
- 6.4 Analyzes available instructional resources including applications of technology and assigns them in cost effective and equitable manner to enhance student outcomes
- 6.5 Establishes instructional strategies that include cultural diversity and differences in learning styles
- 6.6 Applies effective methods of providing, monitoring, evaluating and reporting student achievement and uses good research and assessments to improve the learning process
- 6.7 Encourages various staffing patterns, student grouping plans, class scheduling plans, school organizational structures and facilities design processes to support various teaching strategies and desired student outcomes

***Please rank your performance for this standard for the 2012-2013 school year:***

- 0 UNACCEPTABLE**
- 1 NEEDS IMPROVEMENT**
- 2 GOOD**
- 3 EXCELLENT**
- 4 OUTSTANDING**

***Comments:***

**Standard 7: HUMAN RESOURCES MANAGEMENT**

This standard requires skills in developing and implementing a staff performance evaluation system. It also requires skills in applying ethical, contractual and legal requirements personnel selection, development, retention, promotion and dismissal.

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**Performance Indicators:**

(Do not rate individual indicators. These are listed only to help you think about the standard.)

- 7.1 Demonstrates use of system and staff evaluation data for personnel policies, decision-making, promotion of career growth and professional development
- 7.2 Identifies and applies appropriate policies, criteria and process for the recruitment, selection, induction, compensation and separation of personnel with attention to issues of equity and diversity
- 7.3 Does not promote nepotism

**Please rank your performance for this standard for the 2012-2013 school year:**

- 0 UNACCEPTABLE**
- 1 NEEDS IMPROVEMENT**
- 2 GOOD**
- 3 EXCELLENT**
- 4 OUTSTANDING**

**Comments:**

**Standard 8: VALUES AND ETHICS OF LEADERSHIP**

This standard requires the understanding and modeling of appropriate value systems, ethics and moral leadership. It also requires superintendents to exhibit multicultural and ethnic understanding and to coordinate with social agencies and human services to help students grow and develop as caring, informed citizens.

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**Performance Indicators:**

(Do not rate individual indicators. These are listed only to help you think about the standard.)

- 8.1 Exhibits multicultural and ethnic understanding and sensitivity
- 8.2 Describes role of schooling in a democratic society
- 8.3 Manifests a professional code of ethics and demonstrates personal integrity
- 8.4 Models accepted moral and ethical standards in all interactions
- 8.5 Explores and develops ways to find common ground in dealing with difficult and divisive issues
- 8.6 Promotes the establishment of moral and ethical practices in every classroom, every school and throughout the district for students and staff

**Please rank your performance for this standard for the 2012-2013 school year:**

- 0 UNACCEPTABLE**
- 1 NEEDS IMPROVEMENT**
- 2 GOOD**
- 3 EXCELLENT**
- 4 OUTSTANDING**

**Comments:**

**Standard 9: LABOR RELATIONS**

This standard requires the superintendent to provide technical advice to the board during labor negotiations, to keep the board apprised of negotiation status, to understand and effectively administer negotiated labor contracts and to keep abreast of legislative changes affecting the collective bargaining process.

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**Performance Indicators:**

(Do not rate individual indicators. These are listed only to help you think about the standard.)

- 9.1 Develops bargaining strategies based upon collective bargaining laws and processes
- 9.2 Identifies contract language issues and proposes modifications
- 9.3 Participates in the collective bargaining processes as determined by the board
- 9.4 Establishes productive relationships with bargaining groups while managing contracts effectively
- 9.5 Contracts are reviewed in advance of expiring
- 9.6 Has knowledge of recently negotiated contracts in similar school districts

**Please rank your performance for this standard for the \_\_\_\_\_ school year:**

- 0 UNACCEPTABLE**
- 1 NEEDS IMPROVEMENT**
- 2 GOOD**
- 3 EXCELLENT**
- 4 OUTSTANDING**

**Comments:**

Evaluation of Superintendent  
Positive Performance Areas

Based on the summary of those areas where the Superintendent has indicated that he/she has done exceeding well, please evaluate the areas noted as well as your assessments of the results.

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2. \_\_\_\_\_

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3. \_\_\_\_\_

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4. \_\_\_\_\_

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5. \_\_\_\_\_

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6. \_\_\_\_\_

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Evaluation of Superintendent  
Areas of Focus

Based on the areas of focus identified by the Superintendent, please comment on both the areas as well as the performance goals. The Board and the Superintendent should mutually agree on these enhanced performance targets and the appropriate timeline for implementation.

1. \_\_\_\_\_  
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2. \_\_\_\_\_  
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3. \_\_\_\_\_  
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