

***Newburgh Board of Education* PROFESSIONAL EMPLOYEES
Title VI - Non-Discrimination and Anti-Harassment**

***Title VI - Civil Rights Act
Non-Discrimination and Anti-Harassment in the Schools***

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation as required by Federal and State law. Harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of discrimination and harassment on the basis of race, color, creed, religion, national origin by employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding pursuant to Title VI of the Civil Rights Act, 42 U.S.C. Section 2000d, et seq. and 34 C.F.R. Part 100. This policy of nondiscrimination and anti-harassment will be enforced on School District premises, vehicles, in school buildings and at all school-sponsored events, programs and activities, including those that take place at locations off school premises and in another state.

It is intended that this policy apply to the dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the School District, as well as school volunteers, visitors, and guests. All of these persons are hereinafter referred to collectively as "the named group."

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion and national origin, that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the students access to an educational opportunity or benefit;

Reference:

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin and 34 C.F.R. Part 100.

Education Law Section 2801(1)

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

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- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

District staff who observe any such harassment should intervene to stop the harassment and thereafter report the matter to a District Compliance Officer.

Complaints and Grievances by Employees

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Complaints and Grievances by Students and Other Third Parties

While students have the responsibility to abide by the policies and regulations of the District, they shall also be afforded opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal.

Administration shall be responsible for establishing rules and regulations for the redress of complaints or grievances through proper administration channels. In addition, the District shall develop an appeals process, ensuring that students, employees, volunteers, vendors/contractors, visitors and guests have full understanding and access to these regulations and procedure, and providing prompt, thorough and equitable consideration and determination of student complaints and grievances.

Investigation of Complaints and Grievances

The School District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment. The District will designate, at a minimum, two (2) Compliance Officers.

In order for the Board to enforce this policy, and to take corrective measures as may be

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necessary, it is essential that any employee, student, or other member of the above named group who believes he/she has been a victim of harassment in the school environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to a District designated Compliance Officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged harassment will also be promptly investigated in accordance with the terms of this policy. In the event that a Compliance Officer is the alleged offender, the report will be directed to another Compliance Officer.

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

Based upon the results of this investigation, if the District determines that an employee, vendor/contractor, volunteer, guest, visitor or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors/contractors or guests) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

Prohibition of Retaliatory Behavior

The Board, consistent with the prohibition set forth in Title VI of the Civil Rights Act, prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any

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other individuals who participated in the investigation of a complaint of harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District regulation referenced in this policy.

Legal Avenues of Recourse

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate student and/or staff awareness and training, as applicable, to help ensure that the school environment is not conducive to fostering harassment.

In all cases, the Superintendent will inform the Board of Education of his/her findings regarding an informal or formal complaint.

Knowingly Makes False Accusations

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

Privacy Rights

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

Compliance Officer

The District's Compliance Officers are the District's Assistant Superintendent of Human Resources, the Executive Director of Human Resources and such other individuals as may be designated by the Board of Education in the event of the unavailability of the Compliance Officers. The Compliance Officers shall be appointed by the Board and shall be responsible for providing information, including complaint procedures, and for handling complaints relative to harassment for any student, parent, employee or third parties as described in this policy.

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Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardian, employees and the general public of this Policy and its grievance procedures for resolving complaints of harassment. Included in such announcement will be the name, address and telephone number of the Compliance Officers.

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigation, and remedying allegations of harassment based on the characteristics described above. An appeal procedure will also be provided therein to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Compliance Officer(s). Such regulations will be developed in accordance with Federal and State law as well as any applicable collective bargaining agreement(s).

Training and/or “awareness” programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to harassment in the schools as addressed in this Policy, and to disseminate information about preventative measures to help reduce such incidents of prohibited conduct. Training will be provided to all designated Compliance Officers regarding the investigation of said harassment complaints.

A copy of information about this Policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District’s policy and regulations on anti-harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks and on the District’s website.

This policy should not be read to abrogate other District policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination and, inappropriate behaviors. It is the intent of the District that all such policies and/or regulations be read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities.

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