

## **7550 DIGNITY FOR ALL STUDENTS ACT (STUDENT HARASSMENT, BULLYING, AND DISCRIMINATION)**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, can be compromised by incidents of discrimination or harassment. In addition, the Board affirms its commitment to nondiscrimination and recognizes its responsibility to create an environment that is free of harassment and intimidation.

In accordance with the Dignity for All Students Act, Education Law, Article 2, and Federal Civil Rights Statutes, including Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 and all subsequent amendments, the District will strive to create an environment free of discrimination and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and 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.

By combining prevention with education, the District's goal is to decrease incidents of discrimination and harassment while simultaneously increasing awareness among students and staff to be sensitive and alert to the warning signs of bullying and harassment as well as their obligation to report or act when such acts occur.

The Board of Education recognizes the need to clearly define expectations for acceptable conduct on school property by staff and students and to identify the possible consequences of unacceptable conduct, to ensure that discipline is administered promptly and fairly when necessary. To this end, the Board adopts this policy which shall be incorporated into the District's Code of Conduct. Unless otherwise indicated, the Code of Conduct, and this policy therein, applies to all students, school personnel, parents and other visitors when on school property or at school functions.

### **Student Privacy Pertaining to Student Identity and/or Status**

Certain records and personally identifiable information related to the student's gender status or biological sex may be protected not only as an educational record, but also as a confidential medical or patient health care record. The District further recognizes that a student may have a strong individual interest in maintaining the privacy of his/her gender identity status or his/her gender nonconforming presentation at school. Accordingly, in addition to adhering to all legal standards of confidentiality, school personnel with knowledge of any student's gender identity status or gender nonconforming presentation are expected to treat that information as being

particularly sensitive, even internally among school staff and school officials. School employees are expected to refer any questions they may have about student privacy and possible disclosures of a student's gender identity or gender nonconforming status to the Principal of the school involved.

The District strongly encourages students and their families to maintain ongoing communication with the school employees who are working directly with the student.

This policy does not anticipate every situation that might occur with respect to transgender students, and the needs of each student must be assessed on a case-by-case basis. In all cases, the goal is to ensure the privacy, dignity, safety, comfort, and healthy development of all students, maximizing inclusion and social integration while minimizing exclusion and stigmatization while providing a safe and dignified atmosphere for all students.

### **Key Terms**

- Cisgender: the sex designation, usually "male" or "female," assigned to a person when they are born.
- Gender: actual or perceived sex.
- Gender identity: a person's inner sense or psychological knowledge of being male, female, neither, or both.
- Gender expression: the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.
- Gender nonconforming (GNC): describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that sex assigned at birth. This is also referred to as gender variant or gender atypical.
- Transgender: someone whose gender identity is different than his or her sex assigned at birth.
- Transition: the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

All students should be addressed by a name and pronoun corresponding to their gender identity that is consistently asserted at school and beyond school. Students are not required to obtain a court ordered name and/or gender change or to change their official records as a prerequisite to being addressed by the name and pronoun that corresponds to their gender identity. This directive will not necessarily eliminate inadvertent slips or honest mistakes, but it does prohibit intentional and persistent refusals to respect a student's current gender identity. The requested name shall be included in the student information system in addition to the student's legal name, in order to inform teachers of the preferred name and pronoun to use when addressing the student.

The District's approach of respecting a student's decision to regularly use a name and the pronouns that correspond to the student's current gender identity is not a commitment to change all existing school records in order to reflect those preferences. Further, there may be situations where the District is required to use or report the legal name or biological sex of the student as that data is reflected in the District's official records. The extent to which official records of the District are modified will depend on a case-by-case evaluation of the information that the District receives and the type(s) of school records affected by the information that is received. For example, when a student changes his/her legal name and that change is sufficiently substantiated, the District will issue a high school transcript under the student's new legal name. This applies prospectively and only for active students. The district will not go back and change official records or documents of past or graduated students.

To the extent information about a student's transgender status may constitute medical information, the District may disclose such information as authorized under the Family Educational Rights and Privacy Act ("FERPA") and New York State law.

## **Harassment, Bullying, and Discrimination of Students**

### **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 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;
- Body type/physical characteristics;
- National Origin;
- Ethnic Group;
- Religion;
- Religious Practice;
- Disability;

- Sex;
- Sexual Orientation; or
- Gender (including gender identity and expression)
- Socio-economic Status

## **Bullying**

Bullying, under the Dignity for All Students Act, has the same meaning as harassment (see above).

In order to streamline the wording of this policy and regulation the term harassment will be used throughout to encompass bullying, intimidation, cyberbullying, and hazing behaviors.

However, the Lake George Central School District defines bullying as the following:

For the purpose of this policy, the term "bullying" is defined as "a variety of negative acts carried out repeatedly over time. It involves a real or perceived imbalance of power, with a more powerful person or group attacking those who are less powerful with an intent to harm the individual or group." Bullying includes three characteristics; an imbalance of power, an intent to cause harm, and repetition. However, the District does recognize that a single act that is particularly threatening can constitute bullying. Bullying can take three forms:

- a) Physical (including, but not limited to, hitting, kicking, spitting, pushing, taking personal belongings);
- b) Verbal and/or written (including, but not limited to, taunting, malicious teasing, name calling, making threats); and
- c) Psychological (including, but not limited to, spreading rumors; manipulating social relationships; or engaging in social exclusion, extortion, or intimidation).

## **Cyberbullying**

As with other forms of bullying, cyberbullying is an attempt to display power and control over someone perceived as weaker. Cyberbullying involving District students may occur both on campus and off school grounds and may involve student use of the District Internet system or student use of personal digital devices while at school or off campus, such as cell phones, digital cameras, and personal computers to engage in bullying.

Cyberbullying includes, but is not limited to, the following misuses of technology/electronic communication: harassing, teasing, intimidating, threatening, or terrorizing another student or staff member by way of any electronic/technological tool, such as but not limited to sending or posting inappropriate or derogatory e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings (including blogs and social networks). ANY electronic communication that takes place on or off school grounds that directly or indirectly threatens the wellbeing of a student(s) or school employee(s) may be referred to law enforcement or applicable State or County agency.

Cyberbullying has the effect of:

- a) Physically, emotionally or mentally harming a student;
- b) Placing a student in reasonable fear of physical, emotional or mental harm;

- c) Placing a student in reasonable fear of damage to or loss of personal property; and
- d) Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities.

### **Disability**

(a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques; or

(b) a record of such an impairment; or

(c) a condition regarded by others as such an impairment.

(1) In all provisions of this article dealing with employment, the term must be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held.

### **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, herein).

### **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.

### **School Property**

Means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus.

### **School Bus**

Means every motor vehicle owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity, or to/from school activities; or, privately owned and operated for compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities.

### **School Function**

Means a school-sponsored extra-curricular event or activity.

### **Employee**

Any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to Title 9-B of Article 5 of the Social Services Law, and consistent with the provisions

of such title for the provision of services to the district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact.

## **DIGNITY ACT COORDINATOR**

The Board will designate at least one (1) employee at every school as the Dignity Act Coordinator(s). The role of the Dignity Act Coordinator is to coordinate and enforce this policy. The Dignity Act Coordinator(s) shall be trained in methods to respond to human relations in the areas of race, color, weight, physical characteristic/body type, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The DAC(s) shall be responsible for coordinating employee training, supporting implementation of district policy, and promote tolerance and a harassment free environment. The DAC(s) shall also serve as an accessible resource to students and staff related to this policy or prevention and response strategies. The Board of Education shall appoint the Dignity Act Coordinator(s) and share the name(s) and contact information via the school calendar and website with all school personnel, students, and parents.

The role of the DAC is a crucial in promoting a positive educational climate, therefore there must be an acting DAC at all times. If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position.

## **PREVENTION AND TRAINING**

The Board of Education recognizes that professional development is needed for all district employees designed to promote a safe and supportive school climate while discouraging discrimination or harassment against students by students or school employees, including the use of safe and supportive school climate concepts in the curriculum and classroom. This training may be provided in conjunction with existing professional development training or any other training for school employees.

Staff shall also be trained to recognize that students are protected from harassment by school employees, other students and third parties under federal civil rights laws and regulations. They shall also be trained to understand that some student misconduct which violates or falls under the District's anti-discrimination or anti-harassment policies may also implicate one or more of the federal civil rights laws enforced by the Office of Civil Rights of the Education Department.

All students shall be instructed to raise awareness and sensitivity to discrimination or harassment and to promote civility in the relations of people of different races, colors, weight, body type/physical characteristics, socio-economic status, religions, national origins, political affiliations, gender, gender expressions, sexual orientations, age, marital status, body type/physical characteristics, and socio-economic status.

Students should be sensitized to the warning signs of discrimination, harassment, bullying, taunting or intimidation, as well as to their responsibility to become actively involved in the prevention and reporting of such acts.

Rules against bullying, discrimination and harassment included herein shall be included in the Code of Conduct, publicized on the District website and made available to all staff and parents.

## **INTERVENTION**

Intervention at the earliest stage possible is key to preventing escalation of harassment and discrimination and to encourage proactive resolution to promote a positive learning environment for all students. Intervention efforts will emphasize measured, balanced and age-appropriate responses to the discrimination and harassment of students by students and/or employees focusing on education and should be designed to discourage another occurrence of the behavior.

Successful intervention may involve remediation. Examples of remedial responses are found below.

## **REPORTS AND INVESTIGATIONS**

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 recommend that complaints are made in writing in order to document incidents and thoroughly investigate each allegation.

In order for the Board to enforce this policy, and to take corrective measures as may be 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 the District's designated Coordinator(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although In the event that the Coordinator is the alleged offender, the report will be directed to the next level of supervisory authority.

The District cannot effectively address harassment or bullying if incidents are not reported. All school personnel have a duty to report incidents of student to student or staff to student harassment which they observe to their supervisor, the building administrator or the DAC. If school personnel receive any reports of incidents of harassment against a student by staff or other student(s), they must promptly relay the report to their supervisor, the building administrator or to the DAC as set forth in the implementing procedures for this policy. If a staff member is unfamiliar with the reporting procedure, it is their obligation to inquire about the process from their supervisor and to act accordingly. An employee who fails to report an observed incident, regardless of whether the student complains, may be deemed to have permitted unlawful discrimination or harassment.

Upon receipt of an informal/formal complaint, the District will conduct a 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 confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials or county support officials as warranted, and any disclosure will be provided on a "need to know" basis.

If, after an investigation, the District determines that an employee and/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, etc.) who are found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law. The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

Even with prevention and education, instances of discrimination or harassment may still occur. Should such an instance arise, the individual engaging in the harassing or discriminatory conduct must be advised that their actions and conduct will not be tolerated and that their behavior must be changed immediately. Students who engage in harassing or discriminatory conduct will receive guidance on making positive choices and support to understand how their actions have negatively impacted other student(s) and must not continue. As appropriate, disciplinary action will be taken by the building principal or other authorized administrator in accordance with the District's Code of Conduct. If the discriminatory or harassing behavior rises to the level of criminal activity, law enforcement will be contacted.

Progressive discipline consequences will be considered in response to instances of discrimination or harassment and the individual imposing consequences shall consider the nature and severity of the misconduct, the developmental age of the student, and the student's history of problem behaviors, prior interventions and the student's response and must be imposed in a manner consistent with the district's Code of Conduct.

In addition to disciplinary measures, remedial responses should be considered to discern why the discrimination or harassment occurred and should be targeted to correct the problem behavior, prevent another occurrence of the behavior and protect the target of the act. Remedial measures may be appropriate on an individual or school-wide basis, depending on the nature of the underlying misconduct.

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;
- Targeted 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 warning 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.

The District will annually report founded and valid incidents of discrimination and harassment to the State Education Department as part of the Uniform Violent and Disruptive Incident Reporting System (VADIR).

## PROCEDURES

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

Whenever a complaint of harassment 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 the target and obtain a prompt and equitable resolution to a complaint. At any point during the investigation Administration may consult legal counsel for guidance.

As soon as possible, but no later than ten 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 the complainant(s).
- Conducting separate interviews of the target(s), 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;
  - An escort during passing periods;
  - Permission to use personal cell phone in the event that the student feels threatened and needs immediate access to parent or guardian;

The district recognizes that there is a need to balance accommodations that enhance student safety against the potential to further stigmatize the targeted student and provide an appropriate education. 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 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.

Parents of student complainants and accused students should be notified 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. writing letters of caution or reprimand; and/or
- d. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with district policy and student code of conduct, 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 the target and the accused, within twenty school days notifying them, 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. The complainant shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

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 appropriate 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 individual.

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

In conducting the formal district level investigation and coming to a determination, the Superintendent or his/her designee shall review the evidence gathered during the initial investigation or independently investigate the complaint. At any point of the investigative process the Superintendent or his/her designee may seek legal counsel for guidance.

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 the target 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.

If the Board determines a hearing is necessary, the Board President 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 may elect to seek guidance from legal counsel before issuing a decision.

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 ED-1.

#### **Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

All complainants shall be advised that district policy and federal law prohibit retaliation against complainants and witnesses. If the complainant, witness or reporting staff member believes that they have experienced retaliation, they need to report this issue as soon as possible to the District for appropriate responsive action to address and to prevent retaliation from recurring, if applicable.

- Protected actions include reports to school officials, the Commissioner of Education and law enforcement,
- or initiating testifying, participating or assisting in any formal or informal proceeding.

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.

#### **Non-Retaliation for Reporting or Participating in an investigation when acting in good faith.**

Any person who has reasonable cause to suspect a student has been subject to discrimination by an employee or student on school grounds or at a school function who reports such information to school officials, the Commissioner or law enforcement, who reports and acts in good faith, shall be immune from civil liability from making such a report.

In addition, all complainants, those who participate in the investigation of a complaint in conformity with state law and district policies, or who are required to testify, participate or assist in the investigation procedure, shall be free from retaliation of any kind and who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

## **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 Coordinator(s) 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 policy or regulation and/or pursuing other legal avenues of recourse.

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

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

## **Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of 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. These items are provided by the District for the use of staff and students. The users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

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

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

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

A copy of this policy and its accompanying regulations will be available on the District website

or upon request. The District's policy and regulations on anti-harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

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, inappropriate behavior, and/or hate crimes within this District. It is the intent of the District that all such policies and/or regulations be read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities. However, different treatment of any member of the above-named group which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of District policy.

On an annual basis, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and continued compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Prohibits discrimination on the basis of disability.

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.

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

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Civil Service Law Section 75-B

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.

Military Law Sections 242 and 243

Cross-Reference: Student Gender Identity Policy

Cross-Reference: Code of Conduct Policy

Adopted: 6/14/16