

POLICY

2012

6122

Personnel

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SUBJECT: EQUAL OPPORTUNITY AND NONDISCRIMINATION

The Board of Education, its officers and employees, shall not discriminate against any individual on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, sex, sexual orientation or gender (including gender identity and expression), military status, disability, predisposing genetic characteristics, marital status, or domestic violence victim status.

The term "military status" means a person's participation in the military service of the United States or the military service of the state, including but not limited to, the armed forces of the United States, the army national guard, the air national guard, the New York naval militia, the New York guard, and such additional forces as may be created by the federal or state government as authorized by law.

Job descriptions for all District positions shall be developed and maintained by administration.

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

The Board of Education, its officers and employees shall not discriminate against students on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, sex, sexual orientation, or gender (including gender identity and expression), disability, or predisposing genetic characteristics.

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's 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.

At the beginning of each school year, the 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 in a non-discriminatory fashion.

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

The Assistant Superintendent for Student Services has been designated to handle inquiries regarding the District's non-discrimination policies. Contact information for the Assistant Superintendent for Student Services is available on the district's website and in the District's Calendar/Parent Handbook. Complaints of sexual harassment or discrimination are covered by Board Policies §6121/Staff and §7531/Students. Complaints of student harassment or bullying are covered by §7315.

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.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 6121 Sexual Harassment/Staff
7731 Sexual Harassment/Students
7310 Code of Conduct
7315 Student Harassment and Bullying Prevention and Intervention

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.*
Civil Rights Act of 1964, Title VI, 42 U.S.C. §2000d *et seq.*
Civil Rights Act of 1964, Title VII, 42 U.S.C. §2000e *et seq.*
Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
Rehabilitation Act of 1973, §504, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Genetic Information Nondiscrimination Act of 2008
34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25
New York Executive Law §296 *et seq.*
Education Law §§313(3), 3201, 3201-a
The Dignity for All Students Act, Education Law §§10-18

Attachment: Equal Opportunity and Nondiscrimination Regulation

Adopted: 7/10/2012

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SUBJECT: EQUAL OPPORTUNITY AND NONDISCRIMINATION 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, (not covered by collective bargaining agreements or whose agreements do not include grievance procedures), 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 of Student Services.

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

1. As soon as practicable, if possible within 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. He/she shall promptly and thoroughly investigate the matter. All employees and students of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 days of 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.
3. 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 15 days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

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B. Stage II--Superintendent of Schools

1. The Superintendent 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.
2. The Superintendent 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 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent shall render his/her 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.
4. If the complainant is not satisfied with the determination of the Superintendent or the proposed resolution, the complainant may, within 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

1. 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.
2. 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.
3. The Board shall render a decision in writing within 15 days after the hearing has been concluded.

Adopted: 7/10/2012