



MILFORD CENTRAL SCHOOL DISTRICT

POLICY #0100

NOTICE OF NON-DISCRIMINATION

REQUIRED
 LOCAL
 NOTICE

The Board of Education affirms its commitment and responsibility to provide equal educational and employment opportunities in an environment which is free from discrimination, including harassment and intimidation and to comply with all applicable laws which prohibit unlawful discrimination. The Board of Education strictly prohibits and condemns all forms of unlawful discrimination, including harassment, on the basis of actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender (sex), military status, veteran status, domestic violence victim status or political affiliation by employees (including Commissioners of Board of Education and contractors), volunteers and students, 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.

Specifically with respect to students, the Board additionally prohibits unlawful discrimination or harassment on the basis of actual or perceived race, color, national origin, ethnicity, disability, weight, sex, sexual orientation, religion, religious practice and gender, including gender identity and gender expression. The Board also prohibits retaliation based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under this policy or anti-discrimination statutes.

It is a violation of this policy for District students or employees (including contractors) to engage in behavior that subjects any student, employee or applicant for employment to discrimination and/or harassment at a school/worksite location or in connection with an education or work-related function on the basis of any of the above-noted grounds where such conduct: (1) adversely affects any aspect of a student's educational opportunities, including the opportunity to participate in school activities; (2) adversely affects any aspect of an employee's/applicant's employment or the compensation, terms, conditions or privileges of employment; or (3) creates a hostile, offensive, or intimidating educational or work environment. It is also a violation of this policy for District employees to engage in unlawful discriminatory behavior and/or harassment with respect to applicants for employment and other individuals who do business with the District.

Enforcement

The District will act to promptly and equitably investigate and respond appropriately to all complaints or allegations of unlawful discrimination, including harassment, based on any of the characteristics described above. District personnel will take appropriate action to protect individuals from retaliation and to promptly and equitably investigate and respond appropriately to all complaints of retaliation. The District makes no promise or warranty about the outcome of an investigation, nor any promise or assurance that it will exercise its discretion in a manner which will meet the desires or preferences of any particular party.

In order for the Board to enforce this policy and to take corrective measures as may be necessary, it is essential that any employee, prospective employee or student who believes s/he has been a victim of unlawful discrimination, including 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 unlawful discrimination, including harassment, immediately report such alleged act. Such report shall be directed to or forwarded to the District's 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 unlawful discrimination, including harassment, will also be promptly investigated in accordance with the terms of this policy. In the event that the Compliance Officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of a complaint, the District will conduct a prompt, thorough, and equitable investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of any occurrence of unlawful discrimination, including harassment, the District will conduct a prompt, equitable, and thorough investigation and respond appropriately. To the extent possible all complaints will be treated as confidential and private. However, disclosure may occur to the extent necessary to complete a thorough investigation of the charges, follow through with corrective action and/or to notify law enforcement officials as warranted.

Based upon the results of an investigation, if 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 appropriate. Should the offending individual be a student, appropriate disciplinary measures will be imposed, up to and including suspension or expulsion 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 imposed, up to and including termination of the offender's employment in accordance with legal guidelines, District policies and regulations, and any applicable collective bargaining agreement(s). The imposition of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

The Board prohibits any retaliatory behavior directed against complainants, accused individuals, witnesses, and/or any other individuals who participated in the investigation of a complaint of unlawful discrimination, including harassment. Reasonable actions will be taken to prevent intimidation or retaliation against complainants, targeted individuals, witnesses, and/or any other individuals who participated in the investigation of a complaint of unlawful discrimination, including harassment. Any student or staff who believes that intimidation or retaliation has occurred or is occurring should make a report to the District's Compliance Officer so that an investigation and any necessary corrective action can be undertaken.

Regulations corresponding with this policy will be developed for reporting, investigating, and remedying allegations of unlawful discrimination, including harassment, based on the characteristics described above.

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 or inappropriate behavior within this District. It is the intent of the District that all such policies and/or regulations be read in conjunction to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities. However, different treatment of any student or employee which has a legitimate, legal purpose shall not be considered a violation of District policy.

General Overview of Discrimination

Discrimination refers to the treatment or consideration of, or making a distinction in favor of or against, a person based on the group, class, or category to which that person belongs, rather than on individual merit. Discrimination can occur in individual circumstances or as the result of an established practice which has the effect of conferring privileges on a certain class or denying privileges to a certain class because of criteria such as age, race, color, sex, religion, national origin, or disability.

Discrimination is the unequal treatment of an individual (or group) for a reason which has nothing to do with legal rights or ability. Federal and state laws prohibit discrimination based on several characteristics, including race, color, national origin, sex, disability, gender and other characteristics.

Unlawful discrimination also includes harassment, including sexual harassment and/or sexual violence.

Discrimination might mean that a person, or a group of persons, are excluded from a place or an activity, or are being denied benefits and/or services afforded others based on protected characteristics such as race, color, national origin, sex, and/or disability.

Overview of Harassment

Harassment includes unwelcome verbal, written, graphic or physical conduct that offends, denigrates or belittles an individual based on that individual's actual or perceived race, color, religion, creed, ethnicity, national origin, citizenship status, age, marital status, partnership status, disability, predisposing genetic characteristics, sexual orientation, gender (sex), military status, veteran status, domestic violence victim status or political affiliation, and specifically with respect to students, on the basis of weight, gender identity, gender expression, and religious practices 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, or;
- 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 student's access to an educational opportunity or benefit, or;
- C. Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

Such conduct may include, but is not limited to, unsolicited derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting or the display or circulation of written materials or pictures.

Examples of Specific Types of Harassment

1. Racial and/or Color Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's race or color, such as nicknames emphasizing stereotypes, racial slurs, comments on manner of speaking, and negative references to racial customs.
2. Religious (Creed) Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's religion or creed, such as derogatory comments regarding surnames, religious tradition, religious clothing, or religious slurs or graffiti.
3. National Origin Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's national origin, such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.
4. Marital Status Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's marital status, such as derogatory comments regarding being single or divorced, or being a single parent.
5. Disability Harassment: Can include harassment based on an individual's disabling mental or physical condition and includes any unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's disabling condition, such as imitating manner of speech or movement, or interference with necessary equipment.

6. Sexual Harassment: Includes unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:
- a. Submission to that conduct is made either explicitly or implicitly a term or condition of an educational or employment benefit or detriment; or
 - b. Submission to or rejection of the conduct is used as the basis for any educational or employment decision affecting the harassed individual; or
 - c. The conduct has the purpose or effect of unreasonably interfering with the harassed individual's educational or work performance, or creating an intimidating, hostile or offensive learning or working environment.

This applies whether the harassment is between individuals of the same or different gender. Sexual harassment can include unwelcome verbal, written, graphic or physical conduct directed at or related to an individual's gender such as sexual gossip or personal comments of a sexual nature; sexually suggestive or foul language; sexual jokes; whistling; spreading rumors or lies of a sexual nature about someone; demanding sexual favors; forcing sexual activity by threat of punishment or offer of an educational or job reward; obscene graffiti; exhibition or distribution of pornographic pictures or objects; offensive touching, pinching, grabbing, kissing or hugging; or restraining someone's movement in a sexual way.

Examples of Specific Types of Sexual Harassment

1. Sex/Gender Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's sex/gender, such as derogatory comments regarding pregnancy, or individual's participation in a non-traditional job or activity;
2. Sexual Orientation Harassment: Can include unwelcome verbal, written, graphic or physical conduct directed at the characteristics of an individual's sexual orientation, such as negative name calling and imitating mannerisms.

Retaliation - is a separate and distinct violation of this policy. Members of the school community are prohibited from retaliating against any person who reports alleged unlawful discrimination or harassment or against any individual who testifies, assists or participates in an investigation, proceeding, action or hearing relating to unlawful discrimination/harassment. An alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of unlawful discrimination/harassment is not found to be a violation of this policy.

Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment. It may be redressed through application of the same reporting, investigation, and enforcement procedures as for unlawful discrimination/ harassment.

Knowingly Makes False Accusations

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

Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of unlawful discrimination, harassment or retaliation will be subject to disciplinary action up to and including suspension or termination in accordance with legal guidelines, District policy, and any applicable collective bargaining agreement(s). The term "false report" refers only to those made in bad faith and does not include a complaint that could not be corroborated or which did not rise to the level of unlawful discrimination, harassment or retaliation.

Reporting Acts Constituting Child Abuse

Several behaviors listed as sexual harassment (i.e., sexual touching, grabbing, pinching, being forced to kiss someone, etc.) may also constitute child abuse. Sexual abuse of a child can include sexual molestation or exploitation of a child including, but not limited to, incest, prostitution, rape, sodomy, or lewd or lascivious conduct involving a child. Thus, under certain circumstances, alleged harassment may also constitute child abuse under state law. New York State law and Board Policy 5460 require school employees to report all incidents of child abuse and neglect, including sexual abuse.

District Responsibility/Training

Regardless of whether a complaint has been filed, if the District knows of the occurrence or the possible occurrence of unlawful discrimination or harassment, the District will require a prompt, equitable and thorough investigation by appropriate personnel. In the event an anonymous complaint has been filed, the District will respond to the fullest extent possible.

The Superintendent or his/her designee will be responsible for informing students and staff on a yearly basis of District policy and regulations regarding the prohibition of unlawful discrimination and/or harassment, including:

- the procedures established for making a complaint;
- the procedures established for the investigation and resolution of complaints,
- the general legal issues pertaining to unlawful discrimination and harassment, including age-appropriate examples in age-appropriate language, and
- the rights and responsibilities of employees and students.
- Dissemination of District Policy/Regulation and Evaluation

A copy of District policy and regulations pertaining to unlawful discrimination, including harassment, will be posted on the website; will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars; will appear on brochures and other appropriate District publications; and may be posted in various locations throughout each school building. A copy of the District policy and regulations pertaining to prohibition of unlawful discrimination, including harassment, will be available upon request at the District Central Office, at school building principals' offices, and in counselors' offices.

Definitions

The following information is offered to provide guidance; this list is not exhaustive. Defined terms are listed in alphabetical order.

1. Age: actual or perceived age.
2. Alienage/Citizenship: actual or perceived immigration status or status as a citizen of a country other than the United States of America. It shall not be an unlawful discriminatory practice for any person to discriminate on the ground of alienage or citizenship status or to make inquiry as to a person's alienage or citizenship status or to give preference to a person who is a citizen or native of the United States when such preference is expressly permitted or required by a federal, city or state law or regulation.
3. Color: the apparent pigmentation of the skin, especially as an indication or possible indication of race.
4. Disability: actual or perceived disability, or history of disability. The term "disability" means any physical, medical, mental, or psychological impairment or history or record of such impairment, or a condition regarded by others as a disability. It is not discriminatory for an employer to require that an employee or applicant be able to perform the essential functions of a job with or without reasonable accommodation.
5. Ethnicity/National Origin: actual or perceived national origin or ethnic identity. National origin is distinct from race/color or religion/creed because people of several races and religions or their forbearers may come from one nation. The term "national origin" includes members of all national groups and groups of persons of common ancestry, heritage, or background; it also includes individuals who are married to or associated with a person or persons with a common heritage including language, culture, and often a shared or common religion and/or ideology that stresses ancestry.
6. Gender: actual or perceived gender/sex; socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women. The prohibition against gender discrimination includes sexual harassment.

The term "gender" also includes a person's gender identity, self-image, appearance, behavior or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.
7. Gender Expression: How one is socially perceived; may include one's behaviors, dress, mannerisms, speech patterns, and/or social interactions; a person's external characteristics and behaviors that are socially defined as either masculine or feminine.
8. Gender Identity: One's personal view of one's own gender; a person's deeply-felt internal sense of being male or female.
9. Marital Status: actual or perceived marital status.
10. Military Status: 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.
11. National Origin: a person's country of birth or ancestor's country of birth.

12. Predisposing Genetic Characteristic: any inherited gene or chromosome, or alteration thereof, determined by a genetic test or inferred from information derived from an individual or family member that is scientifically or medically believed to predispose an individual or the offspring of that individual to a disease or disability, or is associated with a statistically significant increased risk of development of a physical or mental disease or disability.
13. Race/Color: actual or perceived race or color.
14. Religion/Creed: actual or perceived religion or creed; a set of fundamental beliefs and practices generally agreed to by large numbers of the group or a body of persons adhering to a particular set of beliefs and practices.
15. Religious practice: practices and observances such as attending worship services, wearing religious garb or symbols, praying at prescribed times, displaying religious objects, adhering to certain dietary rules, refraining from certain activities, proselytizing, etc.
16. School Community: Includes but is not limited to all students, school employees (including contractors), school agents, bus drivers, volunteers, and any third party who are participating in, observing, or otherwise engaging in activities, including sporting events and other extracurricular activities subject to the supervision and control of the District.
17. School Employee: Includes but is not limited to all teachers, support staff, administrators, custodians, cafeteria workers, coaches, contractors and School Board members.
18. Sex: a term used to describe the biological and physiological characteristics that define men and women. MALE and FEMALE denote "sex."
19. Sexual Orientation: actual or perceived sexual orientation; the sex to which a person is sexually attracted. Someone attracted primarily or exclusively to members of the opposite sex is characterized as straight or heterosexual. Someone attracted primarily or exclusively to members of the same sex is characterized as homosexual. A person with a strong or viable attraction to both genders is characterized as bisexual or pansexual.
20. Victim of Domestic Violence, Sexual Offenses, or Stalking: an actual or perceived victim of domestic violence is a person who has been subjected to acts or threats of violence, not including acts of self-defense, committed by a current or former spouse of the victim, by a person who is cohabitating with or who has cohabitated with the victim, by a person who is or has been in a continuing social relationship of a romantic or intimate nature or a person who is or has continuously or at regular intervals lived in the same household as the victim.

An actual or perceived victim of sex offenses or stalking is a person who has been subjected to such behavior as defined by the Penal Law.

An employee may request a reasonable accommodation due to his/her status as an actual or perceived victim of domestic violence, sex offenses or stalking in order to fulfill the essential requirements of a job. The employee may be asked to provide certification that he/she is a victim of domestic violence, sex offenses or stalking. An employee requesting the reasonable accommodation shall provide a copy of such certification within a reasonable period after the request is made. The certification requirement may be satisfied by providing a police or court record, documentation from an employee, agent, or volunteer of a victim services organization, an attorney, a member of the clergy, or a medical or other professional service provider that the employee or that employee's family or household member sought assistance as an actual or perceived victim of domestic violence, sex offenses, or stalking and/or the effects of the violence or stalking; or other information consistent with the employee's disclosure and the request for accommodation.

21. Weight: actual or perceived weight used in reference to a person's "size."

Ref:

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

Dignity for All Students Act, Education Law, §10 – 18

Replaced the following Policies: 5020, 5020.2, 5020.3, 9110.5, and 9110.2

Adopted: 03/09/2017



MILFORD CENTRAL SCHOOL DISTRICT REGULATION #0100-R NOTICE OF NON-DISCRIMINATION

(X) REQUIRED
() LOCAL
(X) NOTICE

Complaint Procedures

Any individual who believes that a) s/he has been subjected to unlawful discrimination or harassment, or b) who is made aware of and/or witnesses a possible occurrence of unlawful discrimination or harassment, shall report such actions as soon as possible after the alleged incident occurs in order to enable the District to promptly and effectively investigate and resolve the complaint. In order to facilitate a thorough investigation, those discriminated against, targeted, and/or harassed, and/or any witnesses, should document the discrimination or harassment as soon as it occurs, providing as much detail as possible.

Reports of unlawful discrimination or harassment should be made by completing the District Complaint Form (see 0100-E1) and then filing that form with District's Compliance Officer.

Employee Complaints or Student Complaints Against Employees:

Upon receipt of the complaint, the District's Compliance Officer or his/her designee will initiate an investigation of the complaint. If the District's Compliance Officer or his/her designee believes that irreparable harm may occur before the investigation can be completed, then s/he may recommend appropriate interim relief, including temporary reassignment of job duties pending completion of the investigation. The complainant, the accused, and any witnesses will be directed to refrain from talking about the investigation while it is pending.

Upon completion of the investigation, the District's Compliance Officer or his/her designee will determine what action, if any, is appropriate based on the outcome of the investigation and the applicable Board Policies, as well as state and federal laws and any applicable collective bargaining agreements. The District's Compliance Officer or his/her designee will issue a written determination within 90 days of the receipt of the complaint, unless extenuating circumstances warrant an extension of the time period. Complainant(s) and respondent(s) will be informed in writing of the determination. The information regarding the written recommendations may remain confidential.

If a violation of Board Policy is substantiated in the case of a complaint against an employee, the respondent's immediate supervisor will confer with the District's Compliance Officer or his/her designee to determine what, if any, disciplinary action or corrective measures are appropriate.

It is the responsibility of the District's Compliance Officer or his/her designee to ensure that any appropriate corrective action is implemented.

Student Complaints:

If the complaint is filed by a student against another student, the District's Compliance Officer, will, except in unusual circumstances, refer the complaint to the student's Principal or his/her designee for investigation and appropriate action. If the Principal or his/her designee believes that irreparable harm may occur before the investigation can be completed, then s/he should implement appropriate interim relief pending completion of the investigation (e.g., minimizing or eliminating contact between complainant and accused). A Principal who investigates a student complaint will also determine what, if any, disciplinary or corrective actions are appropriate at the conclusion of the investigation according to applicable laws and Board Policy. If the complaining student is dissatisfied with the outcome of the Principal's or designee's investigation, s/he may seek review of the investigation and determination made by the Principal or designee by filing a request for review with the District's Compliance Officer within ten (10) school days. The District's Compliance Officer or his/her designee, will notify the building principal/immediate supervisor, complainant, and accused in writing of the determination after review within ten school days of receipt the request.

Limited Privacy Rights

As part of an investigation, the District has the right to search all school property and equipment including District computers and email accounts. Rooms, desks, cabinets, lockers, computers, etc. are the property of the District, provided for the use of students and staff; however, the users have no reasonable expectation of privacy with respect to these locations or equipment or materials stored therein.

Retaliation Prohibited

Retaliation against any individual for filing a charge of unlawful discrimination and/or harassment, or reporting allegations of unlawful discrimination or harassment is illegal and prohibited. Regardless of the stage of the investigation, the complainant(s)/targeted individual(s) will be instructed by the immediate supervisor or principal and/or District's Compliance Officer to report immediately if prohibited discriminatory or harassing behavior occurs again and/or if the accused or associates of said accused person(s) retaliates against the originally targeted individual(s). Any witnesses who cooperate in the investigation of the complaint will be similarly instructed to report to the immediate supervisor or principal and/or District's Compliance Officer immediately as to any retaliatory action(s). The immediate supervisor or principal and/or District's Compliance Officer should also follow up with complainants and witnesses to verify that no retaliation or intimidation has occurred. Any employee or student who retaliates against another individual shall be subject to disciplinary action, as warranted, in accordance with legal guidelines, applicable contractual mandates and/or the Code of Conduct.

Penalties

Based upon the result of the District's investigation into a report of unlawful discrimination, harassment or retaliation, immediate corrective action will be taken as appropriate;

Should the offending individual be a school employee, appropriate disciplinary measures will be imposed, up to and including termination of the offender's employment in accordance with contractual and legal guidelines;

Should the offending individual be a student, appropriate disciplinary measures will be imposed, up to and including suspension or expulsion in accordance with applicable law, regulations, and the Code of Conduct;

Vendors/contractors and other individuals who do business with the District who have been found to violate the terms of the non-discrimination/anti-harassment policy and/or regulations by engaging in prohibited conduct will be subject to appropriate sanctions up to and including loss of District business. School volunteers who are found to have violated District policy and regulation may face termination of volunteer status;

Should the offending individual be a visitor, guest or other third party, then any corrective action deemed appropriate will be taken including, but not limited to, expulsion and/or banishment from the District premises and/or school activities/events under the control and supervision of the District.

The imposition of such disciplinary measures by the District does not preclude the appropriate filing of civil and/or criminal charges as may be warranted.

Finding That Unlawful Discrimination or Harassment Did Not Occur

At any level/stage of investigation of alleged discrimination, including harassment, if a determination is made that unlawful discrimination or harassment did not occur, the immediate supervisor, principal or District's Compliance Officer or his/her designee will so notify the complainant and the alleged offender of this determination. Such a finding does not preclude the complainant from pursuing other legal avenues of recourse.

Knowingly Making False Accusations

Employees and/or students who knowingly make false accusations of discrimination or harassment or knowingly provides false information in the course of investigation of a complaint may be subject to the same range of disciplinary actions enumerated above under Penalties. A complaint which is deemed unfounded is not considered a false accusation, so long as the complaint was made in good faith.

Informal Complaint

- A. An employee or student who believes that s/he has been subjected to unlawful discrimination or harassment, or anyone who is aware of, has knowledge of, or witnesses an occurrence of unlawful discrimination or harassment may file an informal complaint by immediately notifying his/her immediate supervisor or principal. The immediate supervisor or principal will assist the student or employee in documenting the complaint in writing.
If the building principal/immediate supervisor is the alleged offender, then the complainant may report the discrimination or harassment directly to the Compliance Officer. The District's Compliance Officer shall designate another school official who will take the place of the building principal/supervisor in all applicable phases of the complaint process.
- B. Informal complaint procedures will generally take place at the building level and involve resolution steps short of a comprehensive investigation and/or formal hearing. For example, in attempting to resolve a complaint informally, the immediate supervisor or Principal may separately interview the complainant and the accused, inform the accused of the complaint, question the accused about the alleged incidents, and review the District's policy and regulations regarding discrimination, including harassment.
- C. If the immediate supervisor or principal concludes that the complaint is founded, then s/he will direct the perpetrator to immediately cease the offensive conduct, and will impose any appropriate discipline. The immediate supervisor or principal will follow the provisions of any applicable collective bargaining agreement(s) throughout the course of such investigation(s).
- D. Within fifteen (15) school/working days after receipt of the complaint the immediate supervisor or principal will take such action as is necessary to remedy the situation stated in the complaint if his/her investigation reveals that the complaint is valid.

The action taken by the immediate supervisor or principal will be documented in writing.

1. The immediate supervisor or principal may consult with or seek the assistance of the District's Compliance Officer in resolving the complaint.
2. If the immediate supervisor or principal cannot resolve the issues raised in the complaint within fifteen (15) school/working days, s/he shall notify all material parties of that fact before the expiration of the fifteen (15) school/working day period and s/he shall further indicate the approximate date on which his/her determination will be made.
3. If the complaint is not resolved at the informal stage to the satisfaction of the parties, s/he/they may, individually, within ten (10) school/working days of the decision of the immediate supervisor or principal ask that the District's Compliance Officer or his/her designee review the allegations and informal-level decision.
4. The District's Compliance Officer or his/her designee will review the file and, if necessary, conduct an additional investigation in accordance with federal or state laws and regulations and any applicable collective bargaining agreement(s).
5. If the review by the District's Compliance Officer results in a finding different from the informal-level finding, the District's Compliance Officer or his/her designee, will notify the building principal/immediate supervisor, complainant, and accused of the change in finding and any recommendations. If unlawful discrimination or harassment is found to have occurred, prompt disciplinary action in accordance with the terms of District policy and regulations, federal and state law and regulations, and/or the applicable collective bargaining agreement, will be imposed, together with such remedial measures as are appropriate.

Confidentiality

The District will keep complaints and discussions as confidential as possible; however, the need for confidentiality must be balanced against the obligation to cooperate fully with lawful investigations, to provide due process to the accused, and/or to take necessary action to conciliate, investigate or resolve the complaint. Information will be disclosed only to the extent necessary to effectively investigate the complaint, pursue corrective action and/or as mandated by law or court order.

A written record of the investigation and any action taken will be established and maintained. Additionally, parents of students subjected to possible discrimination, including harassment, and/or students filing a discrimination and/or harassment complaint, as well as parents of accused students, may be notified by the appropriate administrator of such occurrence and/or allegations as warranted and in accordance with legal guidelines.

If the complainant attempts to withdraw a complaint, the District's Compliance Officer or designee will ensure that the withdrawal is not caused by retaliation and then document the complainant's reasons and ask the complainant to sign the documentation.

Subject to all applicable laws and collective bargaining agreements, the following guidelines shall be utilized in the investigation and resolution of discrimination complaints:

Appeal/Redress**Accused**

The appeal process for student discipline which is contained in Board Policy 5300, The Code of Conduct, shall apply to any student who is disciplined based on a finding that s/he violated Board Policy 0100.

The grievance processes contained in the collective bargaining agreement between an employee's union and the District, or, if applicable the Rules and Regulations of the Superintendent's Employees' Group, shall apply to any employee who is disciplined based on a finding that s/he violated Board Policy 0100.

Complainant

The filing of a complaint, and/or the rendering of a decision regarding the complaint shall in no way prohibit, prevent or limit the complainant from taking appropriate legal action in accordance with state and federal law. The parties may, individually, while the investigation is on-going at the District, contact a personal attorney (at their own expense) or other advocacy groups or investigative agencies, including, but not limited to, any of the following: New York State Education Department Appeal to the Commissioner (pursuant to Education Law §§310 and 306)

Education Law §310 provides that persons considering themselves aggrieved by an action taken at a school district meeting or by school authorities may appeal to the Commissioner of Education for a review of such action. In addition, Education Law §306 allows the Commissioner of Education to remove a trustee, member of a board of education and certain other school officers for willful misconduct or neglect of duty.

Replaced Regulations: 5020.3R, 9110.2R

Adopted: 03/09/2017



MILFORD CENTRAL SCHOOL DISTRICT
EXHIBIT #0100-E1
COMPLAINT OF ALLEGED DISCRIMINATION FORM

() REQUIRED
(X) LOCAL
(X) NOTICE

A Complaint Should be Filed Within 30 Days of the Event Which is the Subject.		
Date Submitted:		
Has this complaint or incident been previously reported? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Section #1		
Name of Complainant	Signature of Complainant	
Complainant's Home Address	Complainant's Phone Number	
Complainant's Role in the School (Check all that Apply)		
<input type="checkbox"/> Student <input type="checkbox"/> District Employee <input type="checkbox"/> Parent or guardian <input type="checkbox"/> Community Member <input type="checkbox"/> Other _____		
Section #2		
The Discrimination or Harassment is Based on Your: (Check all that Apply)		
<input type="checkbox"/> Age	<input type="checkbox"/> Gender Identity	<input type="checkbox"/> Religion
<input type="checkbox"/> Arrest or Conviction Record	<input type="checkbox"/> Genetic Information	<input type="checkbox"/> Religious Practice
<input type="checkbox"/> Color	<input type="checkbox"/> Marital Status	<input type="checkbox"/> Retaliation
<input type="checkbox"/> Creed	<input type="checkbox"/> Military Status	<input type="checkbox"/> Sex
<input type="checkbox"/> Domestic Violence Victim Status	<input type="checkbox"/> National Origin	<input type="checkbox"/> Sexual Orientation
<input type="checkbox"/> Ethnic Group	<input type="checkbox"/> Political Affiliation	<input type="checkbox"/> Veteran Status
<input type="checkbox"/> Gender Expression	<input type="checkbox"/> Race	<input type="checkbox"/> Weight
<input type="checkbox"/> Other _____		
Section #3		
Location of Incident	Date of Alleged Incident	
Name of any person(s) committing the alleged discrimination/harassment (if known)		
Witnesses or any others who should be contacted with knowledge pertinent to this investigation:		

Description of the complaint or incident (attach additional pages as necessary)

Section #4

Has this complaint or incident been previously reported? Yes No

Date Previously Reported:

Reported to:

Section #5

Remedy, outcome or resolution sought by the complainant:

**Once completed, please forward this form to the
District Compliance Officer, Principal, or Dignity Act Coordinator**

Replaced Exhibits: 5020.3-E, 9110.2-E

Adopted: 03/09/2017