

( ) Required  
**(X) Local**  
( ) Notice

### **MISSION STATEMENT AND VISION**

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

#### Mission Statement

The Sagaponack School and its community are committed to the belief that all children have the right and should be provided the opportunity to achieve excellence in educational pursuits. The District is to educate students in the values, critical skills and essential knowledge necessary to be informed and responsible citizens, prepared to take the next steps in their education, careers and lives in our diverse society. The district will utilize and distribute resources and programming in the most equitable manner possible.

#### Vision

The vision of the Sagaponack Common School District is to educate each child in a unique setting that helps foster bright and independent life-long learners.

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

Cross-ref: 0300, Accountability

Adoption date: 2/12/13

Amended:12/16/2020

**(X) Required**

( ) Local

( ) Notice

## **NON-DISCRIMINATION AND EQUAL OPPORTUNITY**

The Board of Trustees, its officers and employees, will not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks and twists), color, national origin, creed, religion (including religious practices), marital status, sex (including pregnancy, childbirth, or related medical condition), gender identity and expression (i.e. actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including but not limited to the status of being transgender), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, or use of a guide dog, hearing dog, or service dog, as applicable. The district will provide notice of this policy in accordance with federal and state law and regulation.

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

Specific protections for students under the Dignity for All Students Act are addressed in policy 0115, Student Bullying and Harassment Prevention and Intervention.

Additionally, to promote the district website's accessibility to staff, students, and members of the community with disabilities, the district will maintain a website that is accessible (or contains accessible alternatives) on perceivability, operability and understandability principles. The district's Superintendent is responsible for considering the following when developing or updating the district website when and where applicable:

- Adding the text equivalent to every image;
- Posting documents in a text-based format such as HTML or RTF in addition to PDFs;
- Avoiding dictating colors and font settings;
- Including audio descriptions and captions to videos;
- Identifying other barriers to access; and
- Making other considerations when developing the district's website.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the district code of conduct, the law or applicable contract.

Nothing in this policy will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

### *Annual Notification*

At the beginning of each school year, the district will publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice will:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression;
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 Superintendent has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the Superintendent is available on the district's website. Complaints of sexual harassment or discrimination are covered by policy 0110.

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

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

Cross-ref: 0110, Sexual Harassment  
5030, Student Complaints and Grievances  
5300, Code of Conduct  
9140.1, Staff Complaints and Grievances

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 *et seq.*  
Americans with Disabilities Act, 42 U.S.C. §§12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §§2000d *et seq.* (nondiscrimination based on race, color, and national origin in federally assisted programs)

Title VII, Civil Rights Act of 1964, 42 U.S.C. §§2000e *et seq.* (nondiscrimination based on race, color, and national origin in employment)

Title IX, Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.* (nondiscrimination based on sex)

§504, Rehabilitation Act of 1973, 29 U.S.C. §794

Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*

Genetic Information Nondiscrimination Act of 2008 P.L. 110-233

34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25

Executive Law §§290 *et seq.* (New York State Human Rights Law)

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

Education Law §§313(3); 3201; 3201-a

ADA Best Practices Tool Kit for State and Local Governments, Website Accessibility Under Title II of the ADA (see Chapter 5 and Chapter 5 Addendum checklist), [www.ada.gov/pcatoolkit/toolkitmain.htm](http://www.ada.gov/pcatoolkit/toolkitmain.htm)

Adoption date: 3/21/17

Amendment date: 8/17/21

## NON-DISCRIMINATION AND EQUAL OPPORTUNITY

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

### *Definitions*

1. *Complainant* means an applicant, employee, student or vendor who alleges that they have been subjected to discrimination, which may be a violation of this policy, as well as a violation of federal or state law or associated regulations, which has affected him/her.
2. *Complaint* means 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* means the employee designated by the Board of Trustees 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: Dr. Edward Vinski (631) 537-0651

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~~ will 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, complainants must 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 and will promptly and thoroughly investigate the matter. All employees and students of the school district must cooperate with the Compliance Officer in such investigation.
2. Within 15 days of receipt of the complaint, the Compliance Officer will 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, they will 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 receiving the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

### *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 setting forth any information that such person has relative to the complaint and the facts surrounding it.
2. The Superintendent will 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 will be held within 15 school days of the receipt of the appeal by the Superintendent.
3. Within 15 days of the hearing, the Superintendent will render a determination in writing. Such determination will 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 Trustees, a written request for review by the Board.

C. *Stage III--Board of Trustees*

1. When a request for review by the Board has been made, the Superintendent will submit all written statements and other materials concerning the case to the President of the Board.
2. The Board will 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 will render a decision in writing within 15 days after the hearing has been concluded.

Adoption Date: 8/17/21

- Required
- Local**
- Notice

### **GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS**

All single-occupancy bathroom facilities in the district are designated as gender neutral. Signs designating gender neutral single-occupancy bathrooms must be posted on or near the entry door of that bathroom facility.

A “single-occupancy bathroom” is as defined in Public Building Law §145 (d) as “a bathroom intended for use by no more than one occupant at a time or for family or assisted use and which has a door for entry into and egress from the bathroom that may be locked by the occupant to ensure privacy.”

The Superintendent of Schools or designee is directed to post appropriate signage to implement this policy consistent with applicable laws. Handbooks, directional signs, memos, safety plans, and maps will also be updated as necessary.

Ref:

Education Law §409-m (single-occupancy bathrooms designated gender neutral)  
Public Buildings Law §145 (d)

Adoption date: 3/17/21

Required  
 **Local**  
 Notice

### **EQUITY, INCLUSIVITY, AND DIVERSITY IN EDUCATION**

The Sagaponack Common School District Board of Trustees is committed to creating and maintaining a positive and inclusive learning environment where all students, especially those currently and historically marginalized, feel safe, included, welcomed, and accepted, and experience a sense of belonging and academic success.

All children deserve to have equal access to opportunity regardless of the color of their skin, their gender, their sexual orientation, the language they speak or their background. This freedom is fundamental to our District's education program and is extended to everyone without exception. However, the district also recognizes that students have been historically marginalized due to inequities associated with aspects of their identities and their contexts, including, but not limited to, race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression). Racism, discrimination, and marginalization of any people or groups of people, whether intentional or not, have no place in our schools, our district or our community. Such actions damage not only those individuals and groups at which they are directed, but also our community as a whole. We are committed to addressing these inequities and helping each and every student to equitably access learning opportunities in school to enable them all to thrive and to build a better society.

The faculty and staff, along with the District's Shared Decision-Making Committee (SDMC), will continue their efforts to ensure all students will have equal access to the many opportunities that are offered at the Sagaponack Common School District.

Cross-ref:

4000, Goals for Instructional Programs  
4511, Textbook Selection and Adoption  
5153, Student Assignment to Schools and Classes  
9240, Recruiting and Hiring  
9700, Professional Development

Adoption date:3/17/21



(X) Required  
( ) Local  
(X) Notice

### **Non-Discrimination and Anti-Harassment**

The Sagaponack Common School District (the District) is an equal opportunity employer. In accordance with applicable law, we prohibit discrimination by or against any individuals involved in our operations, including employees regardless of their position, applicants, interns and student teachers, vendors, contractors, sub-contractors, consultants and any other third party involved in our operations based on any legally-recognized basis, including, but not limited to: race, color, religion, creed, sex (including pregnancy, lactation, childbirth or related medical conditions), sexual orientation, marital, familial or partnership status, gender expression or identity, transgender status, age, national origin or ancestry, citizenship, physical or mental disability, genetic information (including testing and characteristics), veteran status, status as a victim of domestic violence, uniformed service member status, certain arrest or conviction records or any other status protected by federal, state or local law.

The District is also committed to providing a work environment that is free of unlawful discrimination and harassment, including sexual harassment, and strictly prohibits discrimination and harassment by or against any individuals involved in our operations, including employees regardless of their position, applicants, interns and student teachers, vendors, contractors, sub-contractors, consultants and any other third party involved in our operations.

If such discrimination or harassment is committed in the workplace by someone not employed by the District, the reporting and complaint procedure in this policy should still be followed. The workplace includes: actual worksites, any setting in which work-related business is being conducted (whether during or after normal business hours), online and electronic interactions among District employees and third parties involved in our operations, District-sponsored events, and District owned/controlled property.

#### *Sexual Harassment*

Sexual harassment is unwelcome verbal or physical behavior based upon a person's gender/sex and includes unwanted verbal or physical sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or

- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment, even if the individual raising the concern is not the intended target of such conduct.

The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of pornographic or sexually suggestive images, objects, pictures, cartoons, graffiti, posters or websites on computers, emails, cell phones, bulletin boards, etc.;
- Verbal conduct: making or using sexist remarks or derogatory comments based on gender, gender identity or expression, transgender status, innuendos, epithets, slurs, sexually explicit jokes, or lewd or sexual comments about an individual's appearance, body or dress, whistling or making suggestive or insulting sounds;
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, or social media postings;
- Physical conduct: unwelcome or inappropriate touching of employees or customers, physical violence, intimidation, assault or impeding or blocking normal movements;
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity or transgender status, such as:
  - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
  - Sabotaging an individual's work; and
  - Bullying, yelling, name-calling.

- Retaliation for making reports or threatening to report sexual harassment.

Behavior may constitute sexual harassment regardless of the gender of the person committing it or the person who is exposed to it. Sexual harassment includes harassment on the basis of an individual's sexual orientation, gender identity, perceived gender, or transgender status.

Individuals who observe conduct that may violate this policy are encouraged, but not required, to communicate to the offending person that the conduct is offensive and unwelcome. Individuals who observe any behavior directed at others that may violate this policy are encouraged to take reasonable action to defuse such behavior if possible, such as intervening directly, alerting the Superintendent/Principal or making a report under this policy (In the event that the Superintendent/Principal is not in attendance and/or is the offending person, the President of the Sagaponack School Board of Trustees (BOT) may be contacted.)

#### *Other Types of Harassment*

Harassment on the basis of any legally protected status is prohibited. Prohibited harassment may include behavior similar to the illustrations above pertaining to sexual harassment. It also includes, but is not limited to:

Verbal conduct including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's protected status;

Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages or gestures based on an individual's protected status; and

Physical conduct including assault, unwanted touching or blocking normal movement because of an individual's protected status.

#### *Protection Against Retaliation*

Retaliation is prohibited against any person covered by this policy who, in good faith: makes a complaint of discrimination, harassment, including sexual harassment, and retaliation either internally or with a government agency, using the complaint procedures described below; objects to, opposes or speaks out against discrimination, harassment, or retaliation; participates in an investigation of discrimination, harassment or retaliation; encourages another person to report discrimination, harassment or retaliation; or files, testifies, assists or participates in any manner in any investigation, proceeding or hearing conducted by the District or a governmental enforcement agency regarding discrimination, harassment or retaliation.

Prohibited retaliation includes, but is not limited to: termination, demotion, suspension, failure to hire or consider for hire, failure to give equal consideration in making employment decisions, failure to make employment recommendations impartially, adversely affecting working conditions or otherwise denying any employment benefit because someone has raised a complaint or participated in an investigation of discrimination or harassment. Retaliation is unlawful and a form of misconduct that will result in disciplinary action, up to and including termination of employment.

Individuals who believe that they or any other individual has been subjected to retaliation should report this concern using the complaint procedure set forth below.

#### *Internal Complaint Procedure*

Individuals who believe that they or any other individual has been subjected to discrimination, harassment, including sexual harassment or retaliation should, as soon as possible, report it the Superintendent/Principal. In the event the Superintendent/Principal is not in attendance and/or is alleged to have committed this behavior, the individual should report it to the President of the Sagaponack School BOT. Reports can be made verbally or in writing. To submit a complaint in writing, individuals may use the sample complaint form (Employee Complaint Form 0110-Exhibit, but are not required to do so.

After a report is received, or the District otherwise becomes aware of a possible violation of this policy, a fair, timely, thorough and objective investigation will be undertaken if needed and will reach reasonable conclusions based on the information collected. The District will maintain confidentiality surrounding the investigation to the extent possible, consistent with a thorough and objective investigation, and to the extent permitted or required under applicable law. Both the individual(s) raising the complaint and the individual(s) about whom the complaint was made will be permitted to provide information that may be relevant to the investigation. The District also will gather information and speak with witnesses, as applicable. Once the investigation is completed and a determination is made, the complaining party will be advised that the investigation has been completed and may be informed of the resolution. The individual(s) about whom the complaint was made also will be informed of the outcome and if the District determines that this policy has been violated, will be subject to disciplinary action. The District expects all employees to fully cooperate with any investigation conducted by the District into a complaint of discrimination, harassment or retaliation.

#### *Supervisory Responsibilities*

When the Superintendent/Principal receives a complaint or information about suspected discrimination, harassment, retaliation, or observes behavior that may violate this policy or for any other reason suspect that discrimination, harassment

or retaliation is occurring, he/she is required to report such information to the President of the Sagaponack School BOT. The President of the Sagaponack School BOT may receive the complaint or information if the Superintendent/Principal is alleged to have committed this behavior.

In addition to being subject to discipline for engaging in discrimination, harassment or retaliation themselves, the Superintendent/Principal will be subject to discipline (up to and including termination) for failing to report suspected discrimination, harassment or retaliation or otherwise knowingly allowing such conduct to continue.

#### *Discipline*

If the District determines that this policy has been violated, including in the event that the Superintendent/Principal knowingly allows the policy to be violated without reporting it to the President of the Sagaponack School BOT, prompt remedial action will be taken, commensurate with the severity of the offense, up to and including termination of employment. Appropriate action will also be taken to deter any such conduct in the future.

#### *Good Faith Reporting*

The initiation of a good faith complaint of discrimination, harassment or retaliation will not be grounds for disciplinary or other retaliatory action, even if the allegations cannot be substantiated or the employee was mistaken about aspects of the complaint. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

#### *External Resources*

Discrimination, harassment and retaliation are unlawful under the federal Civil Rights Act of 1964, the New York State Human Rights Law, the New York City Human Rights Law and other federal, state and local laws. Individuals who believe they have experienced discrimination or harassment may file a complaint with an administrative agency or in a court of law.

The Equal Employment Opportunity Commission has district, area and regional offices and may be contacted by visiting [www.eeoc.gov](http://www.eeoc.gov), emailing [info@eeoc.gov](mailto:info@eeoc.gov) or by telephone at 800-669-4000 (TTY 800-669-6820). The New York State Division of Human Rights may be contacted by visiting [www.dhr.ny.gov](http://www.dhr.ny.gov), by telephone at 718-741-8400, or by mail to One Fordham Plaza, Fourth Floor, Bronx, New York 10458. The New York City Commission on Human Rights may be contacted by visiting [NYC.gov/Human Rights](http://NYC.gov/Human Rights) or by telephone at 718-722-7131. Employees who are subjected to unlawful discrimination, harassment or retaliation may be entitled to certain legal remedies, including monetary damages, civil penalties, and injunctive relief (such as an order that certain action

be taken or that certain behavior stop). Additional information, including the physical location of agency offices and the rules, requirements and time limits for filing complaints, can also be found at the respective agency websites. Information regarding federal, state and city courts is available online.

**Notes:**

The Superintendent of Schools also serves as the Principal of the Sagaponack Common School District. For the purpose of this policy, the Superintendent/Principal will also serve as the Civil Rights Compliance Officer (CRCO).

**References:**

- Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e, et seq.
- Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq.
- 29 CFR Section 1604.11(a)
- 34 CFR Subtitle B, Chapter I
- Civil Service Law Section 75-B
- Executive Law Article 15
- Labor Law Section 201-g
- Board Policy 9140.1 – Staff Complaints and Grievances
- Board Policy 5300 - Code of Conduct which includes DASA (Students)

Adopted: 12/20/18

SAGAPONACK COMMON SCHOOL DISTRICT  
COMPLAINT FORM FOR NON-DISCRIMINATION AND ANTI-HARASSMENT  
IN THE WORKPLACE (Policy 0110)

**CONFIDENTIAL**

If you wish to file a complaint, please provide the requested information so that the District may investigate and resolve your complaint. You are not limited to the space provided and may attach additional pages. Once you have completed this form, please submit it to the Civil Rights Compliance Officer (CRCO). In Sagaponack, the Superintendent/Principal services as the CRCO. In the event the alleged harasser is the Superintendent/Principal, you may submit the form to the President of the Sagaponack School Board of Trustees (BOT). You will not be retaliated against for filing a complaint. Questions regarding the completion or submission of this form can be directed to the CRCO, a trusted staff member with whom you feel comfortable, or the President of the Sagaponack BOT.

If you are more comfortable reporting verbally or in another manner, the person to whom you report the complaint should complete this form, provide you with a copy and follow the Sagaponack Non-Discrimination and Anti-Harassment Policy 0110 by investigating the claims accordingly.

**For additional resources, visit: [ny.gov/programs/combating-sexual-harassment-workplace](http://ny.gov/programs/combating-sexual-harassment-workplace)**

**COMPLAINT INFORMATION**

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Work Location: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Preferred Communication Method:     Email     Phone     In person

**SUPERVISOR INFORMATION**

Name of Immediate Supervisor: \_\_\_\_\_

Job Title: \_\_\_\_\_

Work Location: \_\_\_\_\_ Work Phone: \_\_\_\_\_

**COMPLAINT INFORMATION**

1) Your complaint is made about:

Name: \_\_\_\_\_ Job Title: \_\_\_\_\_

Work Location: \_\_\_\_\_ Work Phone: \_\_\_\_\_

Relationship to you:  Supervisor  Subordinate  Co-Worker  Other

2) Please describe your complaint(s), including the name of the person(s) about whom you are complaining. If your complaint involves specific comments, please include a description of the comments.

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

3) Date(s) the events, comments, or actions occurred:      /      / 20      /      / 20

     /      / 20      /      / 20

Is the situation continuing?  Yes  No

4) Related Material- Please list, and if possible, provide copies of, any emails, text messages, letters, notes, memos, diary entries, calendars, reports, or other items that relate to your complaint(s):

Name	Contact Information
_____	_____
_____	_____
_____	_____

5) Persons with Information- please list any individuals who you believe may have information about your complaint(s).

Name	Contact Information
_____	_____
_____	_____
_____	_____



6) Prior Report(s)- Have you reported your concerns to anyone else in the District? If so, please provide the name(s) and position(s) of the person or persons to whom you reported the concerns, and the date(s) of the report(s).

Date	Reported to
<u>    /    /20    </u> <u>    /    /20    </u>	_____
<u>    /    /20    </u> <u>    /    /20    </u>	_____
<u>    /    /20    </u> <u>    /    /20    </u>	_____

I understand that if I become aware of additional information that relates to my complaint, I must promptly provide such information to the District. I also am aware that the District prohibits retaliation against me for filing this complaint, and I agree that I will immediately report any incident I believe is retaliatory using the District's procedures for reporting retaliation.

\_\_\_\_\_

\_\_\_\_\_

_____	_____ / _____ /20
Employee's Signature	Date completed by Employee
_____	_____ / _____ /20
District's Civil Rights Compliance Officer (CRCO)	Date received from Employee

(X) Required  
( ) Local  
(X) Notice

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

The Board of Trustees is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the district to educate its students and disrupt the operation of the schools. Such behavior affects not only the students who are its targets but also those individuals who participate and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

### *Definitions*

1. **Bullying.** Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
2. **Cyberbullying.** Cyberbullying is defined as harassment (see below) through any form of electronic communication.
3. **Discrimination.** Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).
4. **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.
5. **Harassment.** Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their 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 (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

For the purpose of this definition the term “threats, intimidation or abuse” includes verbal and non-verbal actions.

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The district is mindful of its responsibilities under the law and in accordance with district policy regarding civil rights protections.

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

### *Prevention*

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key district value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through district-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

In order to implement this program, the Board will designate at its annual organizational meeting the Lead Teachers as the Dignity Act Coordinators (DACs). The DACs will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of the DAC is to oversee and enforce this policy in the school to which they are assigned.

In addition, the DACs/Superintendent will utilize the SDMC to assist in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the district.

#### *Intervention*

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or district as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

#### *Provisions for students who do not feel safe at school*

The Board acknowledges that, notwithstanding actions taken by district staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the DACs/Superintendent. The DACs/Superintendent, other appropriate staff, the student and the student's parent will work together to define and implement any needed accommodations.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

#### *Incident Reporting and Investigation*

Although it can be difficult to step forward, the district can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the DACs/Superintendent within one school

day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, [0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment] and the district's Code of Conduct. The DACs/Superintendent will prepare a report for the Board of Trustees based on complaints filed.

An equitable and thorough investigation will be carried out by the DACs/Superintendent in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board will receive the annual School Safety and Educational Climate (SSEC) Summary Data Collection Form, state-required report relevant to bullying, violent and disruptive incidents, and the school climate for the school district. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

#### *Disciplinary Consequences/Remediation*

While the focus of this policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the district's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying ~~shall~~ will be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the district's Code of Conduct.

#### *Non-Retaliation*

All complainants and those who participate in the investigation of a complaint in conformity with state law and district policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

*Training*

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The DACs/Superintendent and the SDMC will incorporate training to support this program in new teacher orientation and the professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

*Dissemination, Monitoring and Review*

This policy, or a plain language summary, will be posted on the district's website. A bullying complaint form will be available on the district's website or in the school office. The district will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

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

The district will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref:

0100, Equal Opportunity and Nondiscrimination  
0110, Sexual Harassment  
4321, Programs for Students with Disabilities  
5300, Code of Conduct  
5710, School Safety and Educational Climate (SSEC) Reporting  
9700, Staff Development

Ref:

Dignity for All Students Act, Education Law, §10 – 18  
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
Executive Law §290 *et seq.* (New York State Human Rights Law)  
Education Law §§313(3), 3201, 3201-a  
8 NYCRR 100.2(c), (l), (jj), (kk); 119.6  
*Tinker v. Des Moines Independent Community School Dist.*, 393 US 503, (1969)  
*Mahanoy Area School District v. B.L.*, 594 U.S. 141, S.Ct. 2038 (2021)  
*Pollnow v. Glennon*, 594 F.Supp. 220, 224 *aff'd* 757 F.2d. 496

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*Zeno v. Pine Plains* 702 F3rd 655 (2<sup>nd</sup> Cir. 2012)

*Cuff v. Valley Central School District* F3rd 109 (2<sup>nd</sup> Cir 2012)

*Davis v. Monroe County Board of Education*, 526 U.S. 629 (1999)

*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)

*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)

*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)

*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)

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

*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)

*Appeal of K.S.*, 43 Ed. Dept. Rep. 492

*Appeal of Ravick*, 40 Ed. Dept. Rep. 262

*Appeal of Orman*, 39 Ed. Dept. Rep. 811

Adoption Date: 8/17/21

Amendment Date: 9/20/22

Amendment Date: 5/9/23

## STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences

### *Definitions*

#### 1. Bullying

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

1. Power imbalance - occurs when a bully uses their physical or social power over a target.
2. Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. Threat of further aggression - the bully and the target believe the bullying will continue.
4. Terror - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.”

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

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

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

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

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

#### 2. Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).



### 3. Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their 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 (including traits historically associated with race, including but not limited to hair texture and protective hairstyles (such as but not limited to braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
- Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
- Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

For purposes of this definition, the term "threats, intimidation or abuse" includes verbal and non-verbal actions.

#### *Hazing*

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

#### *Prevention*

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

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- Following the principles and practices of “*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State* – Adopted by the Board of Regents July 18, **0115-R**

2011.” District curriculum will emphasize developing empathy, tolerance and respect for others.

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the district’s code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying. The Superintendent/DAC will use the SDMC as the district bullying prevention committee, chaired by the DAC. The committee will include representation from staff, administration, students and parents. The committee will assist with the development and implementation of the prevention and intervention program, which may include the strategies listed above.

### *Role of the Dignity Act Coordinator(s) (DAC)*

The Board of Trustees will annually designate the Lead Teacher, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Dignity Act Coordinator (DAC), accountable for implementation of this policy. The Superintendent and DAC will be responsible for coordinating and enforcing this policy and regulation, including but not limited to coordination of:

- the work of the building-level committee (SDMC);
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act’s civility curriculum components.

### *Incident(s) Reporting*

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior

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immediately to the Superintendent and DAC as soon as possible after the incident so that it may be effectively investigated and resolved. The district will also make a bullying complaint form available on its

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website to facilitate reporting. The district will collect relevant data from written and verbal complaints to allow for systematic reporting.

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to orally report it to the Superintendent and DAC within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains

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

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

### *Confidentiality*

It is district policy to respect the privacy of all parties and witnesses to bullying. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's desire for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a prompt and thorough investigation, and/or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The Superintendent and DAC are responsible for investigating complaints and will discuss confidentiality standards and concerns with all complainants.

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

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

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the bullying and preventing the bullying of other students.

*Investigation and Resolution Procedure*

## A. Procedures

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

If the initial review does not result in a prompt and equitable resolution, as soon as possible, but no later than three school days following receipt of a complaint, the Superintendent/Dignity Act Coordinator will take the following action steps:

- Commence an in-depth investigation
- Review any written documentation provided by the target(s)
- Conduct separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Provide the alleged perpetrator(s) a chance to respond and notify them 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.
- Determine whether the complainant needs any accommodations to ensure their safety, and following up periodically until the complaint has been resolved.

The district recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, 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 targets and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

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

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

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

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The investigator will report back to both the target and the accused, within one week notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the

*Remediation/Discipline/Penalties* section of this regulation. The target will be asked to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against them.

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

In addition, where the principal's designee has a reasonable suspicion that the alleged bullying incident involves criminal activity, they must immediately notify the Superintendent, who will then contact the school attorney, appropriate child protection and, if appropriate, law enforcement authorities.

Any party who is not satisfied with the outcome of the investigation may submit a written complaint to the Board of Trustees within 30 days.

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

### B. Board-level Procedure

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

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

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

### *Retaliation Prohibited*

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this

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policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action up to and including suspension or termination.

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### *Remediation/Discipline/Penalties*

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

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

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- 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 reprimand up to and including suspension from school, to be imposed consistent with the Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

### *Policy Dissemination*

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All students and employees will be informed of this policy on the district website and student registration materials.

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

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

### *Training*

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

Adoption Date: 8/17/21

**STUDENT BULLYING AND HARASSMENT COMPLAINT FORM**

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

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

**If the student feels unsafe at school, fill out this form, but we urge you to speak directly with your child’s teacher as soon as possible so we can address your concerns.**

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

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

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

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

_____	_____
_____	_____
_____	_____

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

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

4. Is the harassment continuing?  Yes  No



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

_____	_____
_____	_____
_____	_____

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

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

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

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

_____	_____
Name	Relationship to student

_____	_____
Signature	Date

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

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

Return this form to: *the Superintendent/Principal as soon as possible.*

Note on confidentiality:

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

Adoption date: 8/17/21

( ) Required  
(X) Local  
(x) Notice

### ACCOUNTABILITY

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

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

Consistent with its obligations and commitments, the Board will:

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

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

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

Adoption date: 2/12/13

- Required
- Local**
- Notice

### **BOARD SELF-EVALUATION**

The Board of Trustees is committed to the continuous improvement of the district and its own functioning. Periodically, the members of the Board shall conduct an evaluation to determine the degree to which they are meeting their responsibilities as Board members and the needs of their educational community.

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

Adoption date: 2/12/13

- ( ) Required
- (X) Local**
- ( ) Notice

### EVALUATION OF THE SUPERINTENDENT

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

The purposes of the evaluation shall be to:

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

Cross-ref: 3120, Duties of the Superintendent

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

Adoption date: 2/12/13