

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, religion, national origin, political affiliation, sex, age, marital status, veteran status, disability, predisposing genetic characteristics, or use of a recognized guide dog, hearing dog or service dog.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.

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

Provisions will be provided for the publication and dissemination, internally and externally, of this policy to insure its availability to interested citizens and groups.

Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

Posting Requirement of Correction Law Article 23-A

The District shall post, in a place accessible to employees and in a visually conspicuous manner, a copy of Article 23-A of the Correction Law and any regulations promulgated under that statute. Article 23-A addresses the licensure and employment of persons previously convicted of one (1) or more criminal offences.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621
Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

(Continued)

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY (Cont'd.)

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

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

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

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

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

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

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

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

Executive Law Section 290 et seq.

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

Military Law Sections 242 and 243

Labor Law Section 201-f

ONTEORA CENTRAL SCHOOL DISTRICT

PO Box 300 · Boiceville, NY 12412

Regulation 1400P

SUBJECT: TITLE IX, TITLE VI AND SECTION 504 OF THE REHABILITATION ACT OF 1973
DISCRIMINATION GRIEVANCE PROCEDURE

Definitions:

Grievance: An issue that reaches Level One Procedure. This issue involves the violation, interpretation, or application of any article of Part 86, Rules and Regulations, Title IX, Federal Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, and/or Section 504 of the Rehabilitation Act of 1973.

Student: Any person enrolled as a student in any school and/or educational or recreational program authorized by the School District.

Employee: Any full time or part-time teacher, secretary, clerk, custodian, cleaner, administrator, or other person receiving compensation for services rendered to the School District.

Compliance Officer: The person designated by the School District Board of Education to coordinate efforts to comply with Title IX and Title VI Rules and Regulations and/or Section 504 of the Rehabilitation Act of 1973.

The District's current Title IX and Title VI Compliance Officers are:

1. Jennifer O'Connor
Middle School Principal
Onteora Central School District
4166 Route 28
Boiceville, NY 12412
845-657-2373
joconnor@onteora.k12.ny.us

2. Gabriel Buono
Elementary School Principal
Bennett Elementary School
Onteora Central School District
4166 Route 28
Boiceville, NY 12412
845-657-2354
gbuono@onteora.k12.ny.us

The District's current Section 504/ADA Compliance Officer is:

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4. Cynthia Bishop
Department of Pupil Personnel Services
PO Box 300
Boiceville, NY 12412
(845) 657-3320
cbishop@onteorak12.ny.us

Superintendent: The Superintendent of Schools or his/her designated representative.

Discrimination: Discrimination includes the use of race, color, weight, creed, national origin, religion, religious practice, ethnic group, political affiliation, gender (including gender identity or expression and nonconformity to gender stereotypes), sex, sexual orientation, age or disability as a basis for treating another in a negative manner.

Discrimination also encompasses harassment (including sexual and gender-based harassment, sexual assault and sexual violence), which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence under New York law includes but is not limited to acts such as rape, sexual assault, sexual battery, and sexual coercion.

Level One (1) Procedure:

1. Student, Employee, and/or Third Party

a. Any student or employee in the School District, as well as any third party, who wishes to file a grievance (complaint) regarding discrimination (including, but not limited to, discrimination based on sex or gender, or harassment) is encouraged to make such a request in writing on forms available in any of the school offices. Such forms must be forwarded to the District's Title IX and Title VI Compliance Officers and/or Section 504/ADA Compliance Officer. However, nothing herein shall prevent an individual from making a verbal complaint of discrimination.

2. Compliance Officer

a. The Compliance Officer shall initiate and coordinate a thorough and impartial investigation and shall review any evidence that has been presented, and attempt to meet with the student or employee and any named witnesses. The Compliance Officer will also attempt to meet with any individual that the Compliance Officer believes will aid in the investigation.

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b. Within sixty (60) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that discrimination based on the grievant's membership in a protected category (including, but not limited to, gender or disability) has or has not occurred and shall inform the grievant and the alleged offender in writing of the outcome of the investigation. (Should the Compliance Officer be unable to render his/her decision in the specified amount of time, the Compliance Officer shall notify the grievant of such delay). In the event the Compliance Officer finds that there has been a violation, s/he shall propose a resolution of the complaint.

Level Two (2) Procedure:

If the grievant or alleged offender is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant or alleged offender may, within thirty (30) days after s/he has been notified of the Compliance Officer's findings and/or proposed resolution, file a written request for review by the Superintendent of Schools

The Superintendent of Schools may request that the grievant, alleged offender, the Compliance Officer, student, third party or any member of Onteora's staff present a written statement setting forth any information that such person has relative to the grievance and the facts surrounding it.

Within thirty (30) days from the date a review was requested, the Superintendent shall render his/her determination in writing. (Should the Superintendent be unable to render his/her decision in the specified amount of time, the Superintendent shall notify the grievant or alleged offender of such delay). Such determination shall include a finding that there has or has not been discrimination based on the grievant's membership in a protected category, and/or a proposal for equitably resolving the grievance. The grievant and the alleged offender shall be informed of the outcome of the Superintendent's determination.

The District acknowledges that while it would like students and employees to raise issues of discrimination pursuant to this Regulation so that they can be addressed by it, any employee or student has the legal right to immediately make a complaint to the appropriate governmental entity.

An employee may file a complaint with the following agencies:

Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004; the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210; or the United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005.

A student may file a complaint with the following agencies:

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United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005; and the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210.

Please take notice that the failure to file a complaint with these agencies within the statutory period may result in the loss of your legal rights.

Prevention and Correction

The District will take all necessary steps to prevent discrimination and harassment in all forms. If the grievance process concludes in a finding of discrimination or harassment, the District will take all necessary steps to correct any discriminatory effects and prevent the reoccurrence of any discrimination or harassment.

Non-Retaliation

The District prohibits any retaliatory behavior, including, but not limited to intimidation, reprisal, and harassment, directed against grievants and/or witnesses in an investigation pursuant to this grievance procedure. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that the grievant and/or witnesses have not suffered retaliation.

Confidentiality

The confidentiality of investigations cannot be guaranteed, but a good faith effort shall be made to maintain confidentiality.

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TITLE IX, TITLE VI & SECTION 504 OF THE REHABILITATION LAW OF 1973
GRIEVANCE FORM

Name of Complainant: _____

Student Employee Third Party

School or Department: _____

Statement of Complainant: _____

(use back for more room)

Solution Suggested by Complainant: _____

(use back for more room)

Signature of Student/Employee/Third Party

Date Submitted

PLEASE FORWARD TO THE TITLE IX, TITLE VI OR SECTION 504/ADA COMPLIANCE OFFICER

BOARD BY-LAWS Subject: Title IX -Equal Employment Opportunity: Legal Notice

Title IX of the Education Amendments of 1972 declares, in part that:

No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The Onteora Central School District does not discriminate on the basis of sex in the educational programs or activities which it operates, and it is required by Title IX of the Educational Amendments of 1972 not to discriminate in such a manner. This policy of non-discrimination includes the following areas: recruitment and appointment of employees; employment pay and benefits; counseling services for students; access by students to educational programs, course offerings and student activities. The District official responsible for the coordination of activities relating to compliance with Title IX is the Superintendent of Schools. This official will provide information including complaint procedures to any student or employee who feels that her or his rights under Title IX may have been violated by the District or its officials.

Title IX of the Federal Educational Amendment of 1972