

9110.4-R DISCRIMINATION AND HARASSMENT ON THE BASIS OF RACE, NATIONAL ORIGIN OR COLOR EMPLOYEES

The Board of Education will implement the following regulation concerning any discrimination or harassment of employees on the basis of race, color or national origin. An employee can be subject to discrimination or harassment by a student, employee, Board member or any individual who foreseeably might come in contact with the employee on school grounds or at school activities. The following are examples of the type of incidents which might constitute discrimination or harassment:

1. unwanted verbal comments, racial name calling, racial or ethnic slurs, slogans, graffiti;
2. school security treating employees differently on the basis of race, national origin or color;
3. intimidating actions such as cross-burning or painting swastikas;
4. supervisor repeatedly treating minority employees in a racially derogatory manner; and
5. inequality in terms or conditions of employment on the basis of race.

Procedures

The Board shall designate a Compliance Officer to carry out the district's responsibilities for resolving grievances. In addition, the Board will designate a second individual for ensuring compliance with Title VII so that employees who believe that they have been subjected to harassment on the basis of race, national origin or color will have a second avenue of complaint, if the alleged harasser is the Compliance Officer.

The Superintendent of Schools shall notify all students and employees of the name, office address and telephone numbers of both designees. In addition, the Board through this regulation has established grievance procedures that provide for prompt investigation and equitable resolution of employee racial harassment complaints.

The Superintendent shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of race, color or national origin in the educational programs or activities which it operates.

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Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of discrimination or harassment will be held in confidence to the extent practicable, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of discrimination or harassment.

Employees who believe they have been subjected to discrimination on the basis of race, national origin or color are to report the incident to a teacher or building administrator, who shall notify the Building Principal, unless the Principal is the subject of the complaint. Upon receipt of a formal or informal complaint, the Building Principal shall notify the Compliance Officer of the complaint, unless the Principal is the subject of the complaint. If the Principal is the subject of the complaint, the staff member shall notify the Compliance Officers or designee directly. The employee can pursue his/her complaint informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. The complainant, victim and accused may bring their attorney or union representative (if applicable) to any meetings. All witnesses shall be interviewed and if requested, the complainant shall speak with an individual of the same race. Complainants are to be notified of the outcome of the investigation. The Compliance Officer will direct the investigation. Depending upon the severity of the charges, the Compliance Officer or designee may personally investigate or require a staff member to conduct the initial investigation. The Compliance Officer will determine whether the matter may be resolved at the Building level or requires District level involvement.

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Informal Complaints

In addition to notification to the Compliance Officer or the Board's designee as described above, employees who believe they have been subjected to discrimination or harassment may request that an informal meeting be held between themselves and the Building Principal or Compliance Officer if the Principal is the subject of the complaint. Such employees shall be informed of the right to have an attorney or union representative present. The employee may also request a meeting with a counselor or administrator of the same race. The purpose of such a meeting will be to discuss the allegations and remedial steps available.

The Building Principal or Compliance Officer will then promptly discuss the complaint with the alleged harasser. The alleged harasser shall be informed of his/her right to representation by counsel. Should the alleged harasser deny the allegations, the Building Principal or Compliance Officer is to

inform the complainant of the denial and request a formal written complaint to file with his/her report to the next level of management on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint shall accompany the Building Principal's or Compliance Officer's report with a recommendation for further action.

Should the harasser admit the allegations, the Building Principal or Compliance Officer is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the Building Principal or Compliance Officer may impose disciplinary action in accordance with law and applicable collective bargaining agreements. Thereafter, the Building Principal or Compliance Officer is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of discrimination or harassment is reported.

The Building Principal or Compliance Officer is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint, which shall be referred to the Compliance Officer.

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If during the building Principal's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the Building Principal is to file a report with the Compliance Officer. The report is to indicate the nature of the complaint, a description of what occurred when the Building Principal informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by the employee's formal complaint.

If the Compliance Officer has investigated the informal complaint, obtained an admission, but not a promise to cease the unwelcome behavior, the Compliance Officer shall file a report with the Superintendent.

Formal Complaints

All formal complaints shall be received in writing or reduced to writing by the Compliance Coordinator or alternate, who shall personally refer the complaint to a designee on the Board's approved list, conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the

disposition of the complaint that may include:

1. a finding that this policy has not been violated; or
2. a finding that this policy has been violated and appropriate corrective, disciplinary and/or other action has been taken.

Alternates

The Board shall have the authority to appoint an alternate Compliance Officer and several designated formal complaint investigators. Complainant will have a choice between the Compliance Officer and alternate to approach regarding a complaint. If the complaint is about or by the Superintendent of Schools, the Board or a second alternate appellate designee shall stand in the Superintendent's place for review activities.

Appeal of Formal Complaints

If a formal complaint has not been processed to a satisfactory disposition by the Superintendent of Schools within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board of Education for disciplinary action to be taken or disciplinary proceedings to be commenced, where necessary.

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Confidentiality

The District's Compliance Officer and alternate, complaint investigators, the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transactions(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

Consequences

Any officer, supervisor or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Employees or students who violate this policy shall be subject to disciplinary or other corrective action in accordance with law and collectively negotiated agreements.

Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

Training

The district shall provide appropriate training to employees and students regarding awareness of and

sensitivity to issues involving disability discrimination, including condemnation of such conduct, the sanctions for disability discrimination and harassment and preventive measures to help reduce incidents of disability discrimination and harassment.

Distribution of Policy

A copy of this policy and its accompanying regulations shall be distributed annually to all personnel, students and parents/guardians and posted in appropriate places within the district.

*District Compliance Coordinator

Assistant Superintendent for Curriculum and Instruction

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Ref:

Title VII of the Civil Rights Act of 1964

Section 504 of Rehabilitation Act of 1973

Adopted: September 7, 2005

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