

DRAFT

**BOARD AGENDA
BUSINESS MEETING**

Wednesday, September 18, 2024
7:00 PM In the School Cafeteria

CV-S Central School
Cherry Valley, NY

I. OPENING OF MEETING

A. QUORUM CHECK

B. CALL TO ORDER

C. PLEDGE OF ALLEGIANCE

**D. ADMINISTER OATH OF OFFICE
Board Member – Megan Bosc**

**E. SPECIAL PRESENTATIONS - Community Service, Student Representative, Administration,
Board Committee Reports, NYS Regionalization Initiative & NYS Graduation Measures Initiative:
A Transformed Vision**

F. ADDITIONS TO AGENDA

G. CORRESPONDENCE RECEIVED

H. SUPERINTENDENT'S REPORT

I. RECOGNITION OF VISITORS

II. PROPOSED EXECUTIVE SESSION SUBJECT TO BOARD APPROVAL

**III. CONSENT AGENDA ITEMS – Consider motion to approve consent agenda items to include
RESOLUTIONS 1-9-2024 through RESOLUTION 21-9-2024**

**A. RESOLUTION 1-9-2024
APPROVAL OF MINUTES – August 21, 2024**

**B. RESOLUTION 2-9-2024
ACKNOWLEDGE RECEIPT OF TREASURER'S AND FINANCIAL REPORTS – August 2024**

**C. EVALUATION TOOL
RESOLUTION 3-9-2024
RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District,
does hereby approve The Council of School Superintendents Model Evaluation Version 2016
Superintendent Evaluation tool for the 2024-2025 school year.**

D. TEACHER EVALUATION APPR PLAN APPROVAL

RESOLUTION 4-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent does hereby approve the Teacher Evaluation APPR Plan for the 2024-2025 school year. In the event that the State Education Department requests changes in the Annual Professional Performance Review plans submitted by the District, the Board authorizes the Superintendent to modify and resubmit the APPR plan to the State Education Department. The Superintendent shall report the results of the State Education Department's review and the changes made in the plan(s) at the next meeting of the Board.

E. PRINCIPAL EVALUATION APPR PLAN APPROVAL

RESOLUTION 5-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent does hereby approve the Principal Evaluation APPR Plan for the 2024-2025 school year. In the event that the State Education Department requests changes in the Annual Professional Performance Review plans submitted by the District, the Board authorizes the Superintendent to modify and resubmit the APPR plan to the State Education Department. The Superintendent shall report the results of the State Education Department's review and the changes made in the plan(s) at the next meeting of the Board.

F. STUDENT LIAISONS

RESOLUTION 6-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby appoint Ethan All and Hannah Sheldon as the Board of Education Student Liaisons for the 2024-2025 school year.

G. SERVICE PROVIDER AGREEMENT

RESOLUTION 7-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the Agreement for the 2024-2025 school year with the following Service Provider: Soliant, as per Attachment III G.

H. SERVICE PROVIDER AGREEMENT

RESOLUTION 8-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the Agreement from August 28, 2024 through December 20, 2024 with the following Service Provider: Michelle Cleveland, Independent Educational Consultant, as per Attachment III H.

I. SERVICE PROVIDER AGREEMENT

RESOLUTION 9-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the Agreement from September 11, 2024 through December 20, 2024 with the following Service Provider: Kathleen Frank, Independent Educational Consultant, as per Attachment III I.

J. PERSONNEL

RESOLUTION 10-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District hereby rescinds the resignation of Richard Lyford, at his request, and reinstates him to the position of Music Teacher, without interruption, and with all benefits previously accrued in his capacity as a teacher at the Cherry Valley-Springfield Central School District, effective September 1, 2024.

RESOLUTION 11-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District hereby rescinds the appointment (Long-term Substitute) and leave of absence (Licensed Teacher Assistant) of Jodi Mravlja, and reinstates her to the position of Licensed Teacher Assistant, without interruption, and with all benefits previously accrued in her capacity as a Licensed Teacher Assistant at the Cherry Valley-Springfield Central School District, effective September 1, 2024.

RESOLUTION 12-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, approves the Memorandum of Agreement appointing Diane Kroon to teach a class one period a day for the first semester of the 2024-2025 school year.

RESOLUTION 13-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, approves the Memorandum of Agreement appointing Adrienne Haig to teach a class one period a day for the second semester of the 2024-2025 school year.

RESOLUTION 14-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby accept the resignation as a part-time Aide and appoint Katelyn Pasternak to a position as an Aide for the 2024-2025 school year, effective September 9, 2024.

RESOLUTION 15-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Tina Herrington to a position as a part-time Aide for the 2024-2025 school year, effective September 1, 2024.

RESOLUTION 16-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following Extracurricular assignments for the 2024-2025 school year:

Save Promise Club - Gary Wannamaker	Girls Modified Soccer Chaperone - Sara Crews
Jr. Drama Club - Jodi Mravlja	Ski Club Advisor - Ashlee Cornelia
10th Grade Class Co-Advisors - Heather Benson & Robin Horne	
After School Detention & Study Hall - Richard Lyford	
Marching Band, Musical-Vocal Music & All-County - Richard Lyford	
Varsity Club Advisor - Debra Whiteman	
PAX - Lindsay Monser	

RESOLUTION 17-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint Andrew McConnell, who is certified as a Level III Teaching Assistant, on tenure as a Licensed Teaching Assistant effective October 3, 2024.

RESOLUTION 18-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following as Instructional Support Staff Substitutes for the 2024-2025 school year:

Matthew Monsenson	Connie Dingman	Michael Fassett	Nancy Crane
Emily Schwall	Tina Herrington		

RESOLUTION 19-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following as a Instructional Substitutes for the 2024-2025 school year:

Matthew Mosenson	Connie Dingman	Michael Fassett	Nancy Crane
Emma Drake	Kelsey Girard		

RESOLUTION 20-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby appoint the following After School Program assignment for the 2024-2025 school year: Student Worker - Kaitlyn Kretser

RESOLUTION 21-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, upon the recommendation of the Superintendent, does hereby approve the following Volunteer for the 2024-2025 school year: Ryan Johnston

IV. NEW BUSINESS

A. POLICY REVIEW

RESOLUTION 22-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District, does hereby review its policies on Investments 6240 and Purchasing 6700, the Code of Conduct 5300, and Parental and Family Engagement 1900, as required by law. The Board will also review building level student attendance data as required under Commissioner's Regulations section 104.1, and if the data shows a decline in attendance rates, will review and revise its policy on Attendance 5100.

V. OLD BUSINESS

A. POLICY REVIEW

RESOLUTION 23-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby conduct a second reading of Policies and Regulations: 0100 Nondiscrimination and Equal Opportunity, 0110 Sexual Harassment, 0110.2 Sexual Harassment in the Workplace, 0111 Sex Discrimination and Sex-Based Harassment Under Title IX, 0111-R Sex Discrimination and Sex-Based Harassment Under Title IX Regulation - Grievance Procedure, 0111-E Title IX Definitions, 0115 Student Harassment and Bullying Prevention and Intervention, 0115-R Student Harassment and Bullying Prevention and Intervention, 0110.1 Sexual Harassment of Students (rescind policy), 9520.6 Lactation Accommodation and 5695 Students and Personal Electronic Devices.

RESOLUTION 24-9-2024

RESOLVED, that the Board of Education of the Cherry Valley-Springfield Central School District does hereby direct the District Clerk to transmit to NYSSBA updated Policies and Regulations: 0100 Nondiscrimination and Equal Opportunity, 0110 Sexual Harassment, 0110.2 Sexual Harassment in the Workplace, 0111 Sex Discrimination and Sex-Based Harassment Under Title IX, 0111-R Sex Discrimination and Sex-Based Harassment Under Title IX Regulation - Grievance Procedure, 0111-E Title IX Definitions, 0115 Student Harassment and Bullying Prevention and Intervention, 0115-R Student Harassment and Bullying Prevention and Intervention, 0110.1 Sexual Harassment of Students (rescind policy), 9520.6 Lactation Accommodation and 5695 Students and Personal Electronic Devices. to the New York State School Boards Association by September 30, 2024.

VI. PROPOSED EXECUTIVE SESSION SUBJECT TO BOARD APPROVAL

- Matters leading to the employment of particular individual(s)
- Employment history of particular individual(s) or corporation(s)
- Review recommendations made by the Committee on Special Education

VII. ADJOURNMENT



ADDENDUM A
Terms of Teleservices Assignment

PID: _____

This Terms of Teleservices Assignment is subject to the terms and conditions of that certain Client Services Agreement between the parties outlined below.

Assignment Details

Soliant Health, LLC will contract with VocoVision for the provisions of telepractice services to Client. Client will pay Soliant Health, LLC for the hours worked by Telepractitioner under the following terms:

Telepractitioner:	Sandy Dorsey		
Client:	CHERRY VALLEY-SPRINGFIELD CENTRAL SCHOOL DISTRICT		
Assignment Start Date:	09/05/2024	Assignment End Date:	06/24/2025
Position:	Tele - SLP		
Hours per Week:	20.0		
Bill Rate per Hour	\$90.00	<i>Bill Rate is all-inclusive^(a)</i>	
Technology Fee:	\$0.00		

One VocoVision station per full time position at no cost. Additional stations can be provided with a \$1,000 per unit refundable deposit and \$200 per unit nonrefundable configuration and shipping charge. Deposit will be refunded to the school district upon return of the station(s) in working condition within fifteen (15) days of the assignment being completed.

Miscellaneous: NA

- a) Sales tax will be added to professional fees if required by state law and client is not a tax-exempt entity.
- b) Client agrees that it will not directly or indirectly, personally or through an agent or agency, contract with or employ any Consultant introduced or referred by VocoVision for a period of (24) months after the last date Client received Services from such Consultant. If Client or its affiliate enters into such a relationship or refers Consultant to a third party for employment, Client agrees to pay an amount equal to first year's total compensation including but not limited to a signing and/or relocation bonus, as agreed upon at the time of hiring. Payment is due and payable to VocoVision upon start date.
- c) Client agrees to approve Telepractitioner's weekly log of service. Logs will be submitted on a weekly basis by Telepractitioner for Client's review and approval. Should Telepractitioner fail to submit paperwork or weekly log to show proof of completed work, Client agrees to notify VocoVision in writing within three (3) business days of alleged failure. Client's failure to notify VocoVision in writing within three (3) days period shall negate any Client invoicing dispute.

ADDENDUM A
Terms of Teleservices Assignment

By: 138915 - Cherry Valley-Springfield Central School

District

Print Name: Samantha Seamon

Title: _____

Date: _____

138915 - Cherry Valley-Springfield Central School District



TheriJo Snyder

Superintendent

August 23, 2024 12:02 UTC

IP: 216.162.19.68



ADDENDUM B Teleservices Provisions

Client Responsibilities. Client agrees to the following items to facilitate VocoVision's provision of Services:

- (a) Client shall be responsible for providing a secure environment for VocoVision hardware and software ("Equipment") installed and operated at Client's designated location(s).
- (b) Client will provide sufficient infrastructure to support the proper operation of the Equipment, including network connectivity equal or superior to DSL access.
- (c) Client warrants that its facilities and operations will comply at all times with all federal, state and local safety and health laws, regulations and standards.
- (d) Client warrants that it will not use the Equipment for any purpose other than as contemplated hereunder and acknowledges that VocoVision is not responsible for any damages associated with such impermissible use.
- (e) Client agrees to provide appropriate local support to facilitate remote Telepractitioner's ability to fulfill the responsibilities outlined in Addendum C: Duties and Responsibilities.

Scheduling. Client agrees to the minimum hours of Services per week as stipulated in Addendum A: Terms of Teleservices Assignment and will schedule the appropriate number of student speech sessions and other related services each week to meet or exceed the minimum hours requirement. Client and telepractitioner will agree upon a weekly schedule for Services which will be loaded into the VocoVision system. Any revisions to the schedule must be submitted to the VocoVision Operations Department no later than 12:00 PM EST Friday for Services the following week. VocoVision requires a 24-hour notice to cancel scheduled Services. One cancellation without notice is permitted per school year. Additional cancellations with less than 24 hours' notice will be billed at the regular rate. Note that VocoVision telepractitioners are encouraged to complete non-therapy work (e.g., paperwork, planning, file reviews, etc.) during any such cancellation time.

Administrative Responsibilities. Client shall be responsible for orienting telepractitioners to Client's policies and procedures regarding the submission of any requisite paperwork which must be tendered for reimbursement by funding entities such as Medicare, Medicaid, or health insurance. Such paperwork may include, but is not limited to, individual education plans or Client-specific program plans. During the contracted assignment, should telepractitioners fail to submit paperwork as required per Client's policies and procedures, Client must notify VocoVision in writing within three (3) business days of alleged failure. Failure to notify VocoVision within the three (3) day period shall negate any Client claim to withhold payment due to paperwork non-compliance by telepractitioners. Within three (3) business days following the conclusion of a contracted assignment, Client shall conduct a final review to determine whether the completion of additional paperwork is needed from the telepractitioners. Failure to notify VocoVision prior to the fourth (4th) day after conclusion of the assignment will negate any Client claim to withhold payment due to paperwork non-compliance by telepractitioner.

By: 138915 - Cherry Valley-Springfield Central School

District

Print Name: Samantha Seamon

Title: _____

Date: _____

ADDENDUM B
Teleservices Provisions

138915 - Cherry Valley-Springfield Central School District



TheriJo Snyder

Superintendent

August 23, 2024 12:02 UTC

IP: 216.162.19.68



ADDENDUM C Duties and Responsibilities

Duties and Responsibilities

The duties and responsibilities of a Telepractitioner include, but are not limited to the following:

- Collaborates with the school district to identify students' communication characteristics, support resources, as well as any physical, sensory, cognitive, behavioral and motivational needs to determine the benefit a student may receive through telepractice.
- Collaborates with the school district to determine assessment resources - including their potential benefits and limitations - in the telepractice setting, and to develop a plan to assess students appropriately.
- Monitors effectiveness of services and modifies evaluation and treatment plans as needed.
- Maintains appropriate documentation of delivered services in a format consistent with professional standards and client requirements.
- Complies with state and federal regulations to maintain student privacy and security.
- Facilitates behavior management strategies in students as appropriate.
- Provides information and counseling to families and school personnel as needed

By: 138915 - Cherry Valley-Springfield Central School

District

Print Name: Samantha Seamon

Title: _____

Date: _____

138915 - Cherry Valley-Springfield Central School District

A handwritten signature in blue ink, appearing to read "TheriJo Snyder", is written over a horizontal line.

TheriJo Snyder

Superintendent
August 23, 2024 12:02 UTC
IP: 216.162.19.68



ADDENDUM D VocoVision Equipment Policies

VocoVision Damaged Equipment Policy

If, during the course of contracted services, VocoVision computer equipment sustains damage or is missing components (keyboard, audio accessories, etc.), it should be reported immediately to the VocoVision Operations Department at 1-866-779-7005. Replacement equipment will be shipped to Client as needed. The costs of repairing or replacing the equipment (including shipping) will be charged to Client, but in no case shall exceed \$1,000 per unit.

At the end of the VocoVision contract period, all equipment must be returned in original packaging within 15 days of completion of services. All returned equipment will be inspected for both physical and internal damage. If equipment is found to be damaged, VocoVision reserves the right to withhold from Client deposit the cost of repairing or replacing the damaged equipment. If no Client deposit exists, VocoVision will bill Client for such charges and will provide supporting documentation of all costs.

Packaging

All packaging, boxes and containers used to ship VocoVision equipment are considered property of VocoVision and must not be discarded. Packaging should be stored and kept in good condition during the course of the contract and must be used for return shipping at the conclusion of services. If VocoVision packaging is lost or damaged, Client is solely responsible for obtaining replacement packaging to ensure undamaged return of equipment to VocoVision. In such cases, we strongly recommend the use of a professional packaging and shipping service, such as the UPS Store or a FedEx retail location.

By: 138915 - Cherry Valley-Springfield Central School

District

Print Name: Samantha Seamon

Title: _____

Date: _____

138915 - Cherry Valley-Springfield Central School District

A handwritten signature in blue ink, appearing to read "TheriJo Snyder".

TheriJo Snyder

Superintendent

August 23, 2024 12:02 UTC

IP: 216.162.19.68

Cherry Valley-Springfield
597 Co. Hwy. 54
Cherry Valley, NY 13320

Michelle Cleveland
149 Park Drive
Oneonta, NY 13820

Independent Educational Consultant Agreement

Terms of Agreement

Responsibilities for the school Counselor Consultant

- In-depth interviews with parents and students to thoroughly evaluate the student and recommend appropriate colleges, military, or work force. Consultations with teachers and other professionals, when appropriate.
- Professional evaluation of all academic records, including evaluation of standardized testing and related reports pertinent to the college admissions process.
- Assessments, including career and college major interest inventory.
- Research to develop a realistic list of colleges tailored to the student's abilities, interests and needs.
- Reviewing student options after visits.
- Providing guidance with applications, including review of student essays, letters of recommendation and resume.
- Discussion and preparation for interviews, school visits, and applications.
- Assistance with establishing a college list and discussing hierarchy of school preferences.
- Updating educational information through school visits.
- Communication with admissions officers, school counselors or other professionals, as required.

Compensation

I have read and understand the conditions stated above for school counselor consulting services and agree to pay the fee of \$300.00 per day for said services.

The school counselor consultant will work a nontraditional schedule to optimize the various needs of the students and parents. There will be an option of working from home.

This agreement begins August 28, 2024 and terminates December 20, 2024.

Consultant Signature: Michelle Cleveland Date: 9/5/24

Superintendent Signature: [Signature] Date: 9/5/24

BOE President Signature: _____ Date: _____

Cherry Valley-Springfield
597 Co. Hwy. 54
Cherry Valley, NY 13320

Kathleen Frank
14 Clark Avenue
Fort Plain NY 13339

Independent Educational Consultant Agreement

Terms of Agreement

Responsibilities for the school Counselor Consultant

- Provide individual mental health counseling
- Provide crisis assistance (i.e. family death) when in district
- Provide mental health resources
- Liaison to/for community resources; next steps involving short term and/or long term therapy or intervention; advocacy
- Provide small group mental health counseling (i.e. anger/stress management, girl/boy issues, self esteem, grief, relationships, etc.)
- Address mental health and mental illness
- Address risky behaviors (i.e. alcohol/drug use)
- Address depression and anxiety (i.e. suicide ideation)
- Address abuse (i.e. physical, emotional, sexual)
- Collaborate with administration

Compensation

I have read and understand the conditions stated above for school counselor consulting services and agree to pay the fee of \$350.00 per day for said services.

This agreement begins September 11, 2024 and terminates December 20, 2024.

Consultant Signature: Kathleen Frank Date: 9/11/24

Superintendent Signature: [Signature] Date: 9/11/24

BOE President Signature: _____ Date: _____

NON-DISCRIMINATION AND EQUAL OPPORTUNITY

The Board of Education, 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, citizenship/immigration 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.

Employees also have protections under state law against discrimination on the basis of their familial status, reproductive healthcare decisions (their own or their dependents) and certain prior criminal history.

Specific protections for students under the Dignity for All Students Act are addressed in policy 0115, Student Bullying and Harassment Prevention and Intervention. The district will follow the guidance from the State Education Department on creating a safe, supportive, and affirming school environment for transgender and gender-expansive students.

As a condition of participation in federal meal programs, the district will post the following statement: "In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity." Discrimination complaint information is available at <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>.

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.

Website Accessibility

To promote the accessibility of the district's website and social media to persons with disabilities, and as required by federal regulations implementing the Americans With Disabilities Act, the district's website content and mobile apps will conform to the WCAG 2.1 Level AA standard for accessibility on or after April 26, 2027. If a technical or legal limitation prevents accessibility, conforming alternate versions of web content may be used. Exceptions to this requirement are outlined in federal regulations 28 CFR Part 35, and includes certain archived web content, certain preexisting electronic documents, certain third-party content, individualized secured electronic documents, and preexisting

social media posts). The district's [insert appropriate title, such as Director of Technology] is responsible for addressing the accessibility of the district's website content and mobile apps.

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.

Complaints of sex discrimination and sex-based harassment are addressed by the district's Title IX grievance procedure, and will also be addressed by other district policies if the conduct is not a violation of Title IX. Complaints of discrimination and harassment made by employees and applicants are also addressed by the process outlined in policy 0110.2, Sexual Harassment in the Workplace. Complaints of discrimination and harassment by students are also addressed by the process outlined in policy 0115, Student Bullying and Harassment Prevention and Intervention.

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:

0110.2, Sexual Harassment in the Workplace
0111, Sex Discrimination and Sex-Based Harassment Under Title IX
0115, Student Bullying and Harassment Prevention and Intervention
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
28 CFR Part 35
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
Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices,

<https://www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf>

Cross References: 0000 - MISSION STATEMENT AND VISION

Adoption Date:

Classification:

Revised Dates: ; **07.24, 09.24**

SEXUAL HARASSMENT

Sexual harassment is against federal and state law. The Board is committed to maintaining an educational and working environment free from such harassment, and therefore prohibits sexual harassment of students and employees in the district. The district will establish detailed policies and regulations for both students and employees which address definitions, protections, prohibited behavior (including retaliation), prevention activities, training/education, complaint reporting, investigations, and consequences.

Cross-ref:

0110.2, Sexual Harassment in the Workplace

0111, Sex Discrimination and Sex-Based Harassment Under Title IX

0115, Student Bullying and Harassment Prevention and Intervention

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.*

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

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

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (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)

Cannon v. University of Chicago, 441 U.S. 677 (1979)

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*

Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*

Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Adoption Date:

Classification:

Revised Dates : **07.24, 09.24**

SEXUAL HARASSMENT IN THE WORKPLACE

Purpose and Goals

The Cherry Valley-Springfield Central School District ("the district") is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the district recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, religion, citizenship/immigration status, military status, disability, pre-disposing genetic characteristics, familial status (including pregnancy, childbirth, or related medical condition), marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual's race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual's intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the district's commitment to a discrimination-free work environment.

A. Goals of this Policy

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the district. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

The district is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed, that is different from the one in state law and this policy. The district is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX pursuant to its grievance procedure. Because of this, any complaint of sexual harassment under this policy (covered by state law) should also be reviewed under the district's Title IX grievance procedure, either prior to or in tandem with this policy. See policy 0111 and regulation 0111-R.

Sexual Harassment and Discrimination Prevention Policy

1. The district's policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the district. These individuals include persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons

providing equipment repair, cleaning services, or any other services through a contract with the district. For the remainder of this policy, we will use the term "covered individual" to refer to these individuals who are not direct employees of the company.

2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the district who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor or manager. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the district to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The district will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The district will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the district will act as required. In addition to any required discipline, the district will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.
6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Superintendent. This person must also notify the Title IX Coordinator to determine whether a Title IX complaint is warranted. If this person is also designated as the Title IX Coordinator, they must determine whether to proceed under Title IX either instead of or in addition to this policy.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics. Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the district's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

A. Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).
- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, 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;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

B. Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, student, volunteer, parent, community member, board member, or visitor.

Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

C. Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;
- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as "difficult" and excluding them from projects to avoid "drama";
- Undermining an individual's immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual's desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;

- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment. Intentionally false or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or Title IX Coordinator. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or Title IX Coordinator.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee's behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to Title IX Coordinator. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The district will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The district recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, Title IX Coordinator:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, Title IX Coordinator will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. Title IX Coordinator will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;
 - c. A timeline of events;

- d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

The district will retain the written documentation described above for a period of three years.

Appeals

Either party who is not satisfied with the outcome of the investigation may appeal to the Superintendent by submitting a written request within 15 calendar days of receiving notification of the outcome. The Superintendent will review the documentation from the initial complaint and will hold an informal hearing within 15 calendar days of the receipt of the appeal, where all involved parties may appear. The Superintendent will make a determination in writing within 15 calendar days of the hearing and notify the complainant and alleged harasser in writing of the determination, or that additional time is needed to complete the appeal.

If the Superintendent is the subject of the complaint, the appeal must be filed with the Board President, who will refer the complaint to a trained investigator not employed by the district.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the district, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

A. New York State Division of Human Rights

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the district does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment,

or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

B. The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

D. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

E. Contact the District's Title IX Coordinator

The district is required to address instances of sex discrimination and sex-based harassment which could be prohibited under Title IX and its regulations. Employees are encouraged to contact the district's Title IX Coordinator with complaints of sex discrimination and sex-based harassment.

Notice and Training

The district will provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

All new employees will receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless they can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees will be provided training at least once a year regarding this policy and the district's commitment to a harassment-free working environment. Principals and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment will receive yearly training on this policy, regulation and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

Annual employee training programs will be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

Conclusion

The policy outlined above is aimed at providing district employees and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

Cross-ref:

0111, Sex Discrimination and Sex-Based Harassment Under Title IX

Ref:

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.

Executive Law §296

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

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)

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

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SEX DISCRIMINATION AND SEX-BASED HARASSMENT UNDER TITLE IX

The district does not discriminate on the basis of sex, and prohibits sex discrimination in all of its education programs and activities, as required by Title IX and its regulations. Such discrimination includes sex-based harassment. This policy and related procedures apply to all students, employees, and applicants for employment.

Discrimination on the basis of sex includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

Title IX Coordinator

The district will designate at least one employee as Title IX Coordinator to receive complaints of sex-based discrimination and harassment, and coordinate the district's efforts to comply with Title IX and its regulations. If the district has more than one Title IX Coordinator, the district will designate one to have ultimate oversight over the district's Title IX responsibilities and ensure compliance with the law and its regulations.

Students, employees and applicants may contact the Title IX Coordinator to make complaints about sex discrimination and sex-based harassment.

Grievance Procedures

The district will adopt, publish, and implement grievance procedures, consistent with the requirements of Title IX regulations, that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or are attempting to participate in the district's programs or activities, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or its regulations.

Notice

The district will provide notice of nondiscrimination, this policy, and its grievance procedures, to district students, the parents/guardians/other legal representatives of students, employees, applicants for employment, and collective bargaining units. The notice will include:

1. A statement of nondiscrimination;
2. A prohibition of discrimination;
3. That questions about Title IX can be referred to the Title IX Coordinator, the U.S. Office of Civil Rights, or both;
4. The name and contact information of the Title IX coordinator(s);
5. How to locate this policy;
6. The district's Title IX grievance procedure;
7. How to report information about conduct that may be sex discrimination under Title IX; and
8. How to make a complaint of sex discrimination under Title IX and its regulations.

The district's notice of nondiscrimination will be posted on its website and in each handbook, catalog, announcement, bulletin, and application form which are available to people who are entitled to notice, or otherwise used in connection with the recruitment of employees. However, due to the size or format of those publications, the district may instead include a statement that the district prohibits sex discrimination in its education programs and activities, that individuals may report concerns or questions to the Title IX Coordinator, and the location of the full notice on the district's website.

Employee Requirements

All employees (except those designated as “confidential” under Title IX and those who have been personally subjected to conduct which may constitute sex discrimination under Title IX) are required to notify the Title IX Coordinator if they have information about conduct that reasonably may constitute sex discrimination under Title IX and its regulations.

Supportive Measures

The district will offer supportive measures to complainants or respondents in cases alleging sex discrimination and sex-based harassment, as required by Title IX’s regulations. Supportive measures may include, but are not limited to:

1. Counseling;
2. Extensions of deadlines and other course-related adjustments;
3. Escorts while on school grounds or activities;
4. Increased security and monitoring of certain areas of the district;
5. Restrictions on contact applied to one or more parties;
6. Leaves of absence;
7. Changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and
8. Training and education programs related to sex-based harassment.

Emergency Removals and Administrative Leave

The district may remove a respondent from the district’s education program or activity on an emergency basis. To do so, the district must perform an individualized safety and risk analysis, determine that an imminent and serious threat to the health or safety of a complainant or any student, employee, or other person justifies removal, and provide the respondent with notice and opportunity to challenge the decision immediately following the removal. Any such removal will be in accordance with the district’s responsibilities under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and state Education Law section 3214.

The district may also place an employee respondent on administrative leave while the Title IX grievance process is pending. Any such leave will be in accordance with the district’s responsibilities under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, state Education Law section 3020-a, and state Civil Service Law Section 75.

Pregnancy and Related Conditions

Under Title IX regulations, “pregnancy or related conditions” means:

1. Pregnancy, childbirth, termination of pregnancy, or lactation;
2. Medical conditions related to pregnancy, childbirth, termination of pregnancy, or lactation; or
3. Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

The district will not discriminate against students, employees, or applicants for employment based on their current, potential, or past pregnancy or related conditions.

Under the Title IX regulations, the district has specific responsibilities regarding students who are pregnant or have related conditions:

Providing the student with the contact information of the Title IX Coordinator (required of all employees who are informed by the student or their legal representative of their pregnancy or related condition);

1. Informing the student (and, if applicable, their legal representative who informed the Title IX Coordinator of the pregnancy or related conditions) of their rights under the Title IX regulations and the district's nondiscrimination notice;
2. Making reasonable modifications, based on the student's needs and in consultation with the student, as long as they do not fundamentally alter the district's education program or activity (including but not limited to: health or lactation breaks, absences, online/homebound instruction, time extensions, sitting/standing, access to water, counseling, physical space or supply changes, elevator access, or changes to policies, practices or procedures);
3. Allowing the student to voluntarily access separate programs and activities which are comparable to those offered to students who are not pregnant or have related conditions;
4. Allowing the student to voluntarily take a leave of absence and to be reinstated to their academic and extracurricular (if possible) status when they return.
5. Providing access to a lactation space (other than a bathroom, which is clean, shielded from view, and free from intrusion from others) to express breast milk or breastfeed (if students are permitted to bring their children to the district's program or activity);
6. Only requiring supporting documentation that is necessary and reasonable for the district to determine the reasonable modifications to make;
7. Providing medical services comparable to what the district would provide for other temporary medical conditions; and
8. Only requiring certification from a healthcare provider that the student is physically able to participate in the district's education program or activity if: (a) a certain level of physical ability or health is necessary for participation; (b) all students participating in the class, program or activity are required to provide such certification; and (c) the information is not used as a basis for prohibited discrimination.

The Title IX regulations require the district to provide reasonable break time and access to a lactation space for employees to express breast milk or breastfeed (if employees are permitted to bring their children to the district's program or activity) as needed. Employees have specific rights to express breast milk under federal and state laws. See policy district policy 9520.6, Policy on the Rights of Employees to Express Breast Milk in the Workplace, for more information.

Training

The district will ensure that all employees receive training related to their duties under Title IX promptly upon hiring or change of position, and annually thereafter. Such training will include the district's obligation to address sex discrimination, the scope of conduct that constitutes sex discrimination and sex-based harassment, and employee notification requirements under Title IX.

Personnel in positions with additional responsibilities under Title IX will receive training specific to those responsibilities. Those positions include investigators, decisionmakers, persons who implement the district's grievance procedures or can modify or terminate supportive measures, informal resolution facilitators (if the district offers informal resolution), and Title IX Coordinator(s) and designees.

Students with Disabilities

For students with disabilities who are either a complainant or respondent for a Title IX complaint, the Title IX Coordinator will consult with members of a student's IEP or placement team to determine how to comply with the Individuals with Disabilities Education Act and/or Section 504 of the Rehabilitation Act of 1973.

Recordkeeping

The district will maintain for at least seven years:

1. All records documenting the information resolution or grievance procedures for all complaints of sex discrimination, and the resulting outcome;
2. All records documenting the actions the district took in response to notifications received by the Title IX Coordinator about conduct that reasonably may constitute sex discrimination; and

3. All materials used to provide training under Title IX, which must be made available to members of the public upon request.

Related Laws and Policies

Sex discrimination and sex-based harassment are also prohibited under other district policies cross-referenced below. Complaints of sex-based discrimination and harassment should be first reported to the Title IX Coordinator. If reported to another employee, that employee is required to notify the Title IX Coordinator. If the alleged conduct, even if it were true, would not meet the definition or standard of sex-based discrimination or harassment under Title IX, the district will proceed under other applicable policies. Any information gained during a Title IX investigation can be used in the investigation of violations of other policies and subsequent imposition of discipline. The Title IX Coordinator will facilitate the transfer of information to employees designated to address violations of other policies.

Additionally, if the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate law enforcement authorities.

Cross-ref:

0100, Non-Discrimination and Equal Opportunity

0110.2, Sexual Harassment in the Workplace

0115, Student Harassment and Bullying Prevention and Intervention

5300, Code of Conduct

9520.6, Policy on the Rights of Employees to Express Breast Milk in the Workplace

Ref:

20 USC §§1681 et seq.

34 CFR Part 106

Adoption Date:

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Revised Dates: ; **07.24, 09.24**

SEX DISCRIMINATION AND SEX-BASED HARASSMENT UNDER TITLE IX REGULATION - GRIEVANCE PROCEDURE

The Cherry Valley-Springfield Central School District ("district") has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaints

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that the district investigate and make a determination about alleged discrimination under Title IX:

- A "complainant," which includes:
 - a student or employee of the district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of the district who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the district's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The district's Title IX Coordinator.

A person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 CFR §106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of the district; or
- Any person other than a student or employee who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex discrimination.

The district may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedures:

The district will treat complainants and respondents equitably.

The district requires that any Title IX Coordinator, investigator, or decision maker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decision maker may be the same person as the Title IX Coordinator or investigator.

The district presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The district has established the following approximate timeframes for the major stages of the grievance procedures, unless extended as described below:

- Evaluations (whether to dismiss or investigate a complaint) will conclude approximately 3 working days following receipt of complaint.
- Investigations of complaints that have not been dismissed will begin approximately 3 working days following receipt of complaint.
- Determinations will be made approximately 30 working days following receipt of complaint.
- Appeals of dismissals must be submitted within 5 working days following receipt of the dismissal.
- Appeals of determinations must be submitted within 10 working days following receipt of the decision. Appeals will be decided approximately 10 working days after the receipt of appeal. Appeals of the Superintendent of Schools shall be made within 10 working days of the Superintendent's determination to the Board of Education. The Board of Education shall issue a determination of the appeal of the Superintendent's determination within 10 working days from the receipt of the appeal.

The district has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

- Examples of reasons for good cause of delay of timeframes include, but are not limited to: illness of district staff necessary to complete the Title IX grievance process, illness or absence of parties and witnesses, difficulty locating witnesses or evidence, death or serious illness of an immediate family member of necessary district staff, parties, or relevant witnesses, loss or destruction of pertinent records, difficulty scheduling meetings with parties and witnesses, school holidays.
- The Title IX Coordinator will evaluate the request for an extension of timeframes and make a prompt determination to either extend the timeframes, or take or recommend other action to be able to meet the timeframes.
- If an extension is granted, the Title IX Coordinator will notify the parties in writing of the reason(s) for the delay, and the estimated date the stages in the timeframe will be complete.

The district will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The district will objectively evaluate all evidence that is relevant and not otherwise impermissible – including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the district to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the district obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and

- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations

Upon initiation of the district's Title IX grievance procedures, the district will notify the parties of the following:

- The district's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

The Title IX Coordinator will notify the respondent that if behavior prohibited under Title IX or another district policy has occurred, it must cease immediately.

If, in the course of an investigation, the district decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the district will notify the parties of the additional allegations.

Dismissal of a Complaint

The district may dismiss a complaint of sex discrimination if:

- The district is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the district's education program or activity and is not employed by the district;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and the district determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- The district determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the district will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the district will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

The district will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then the district will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and

- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, the district will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, the district will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the district's education program or activity.

Investigation

The district will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the district – not on the parties – to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The district will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The district will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The district will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- The district will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the district provides a description of the evidence, the district will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The district will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- The district will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures.
- Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses

The decisionmaker will adequately assess the credibility of parties and witnesses, where credibility is both in dispute and relevant to evaluating the allegation(s) of sex discrimination. If the decisionmaker serves as the investigator, they will evaluate the credibility of parties and witnesses while questioning the parties and witnesses during the investigation. If the decisionmaker does not serve as the

investigator, the Title IX Coordinator will coordinate interviews of parties and witnesses for the decisionmaker to assess their credibility.”

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the district will:

- Use the clear and convincing standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people the district identifies as having had equal access to the district’s education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the district’s education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations

The district offers the following process for appeals from a determination whether sex discrimination occurred:

- Appeals of the Title IX coordinator’s determination must be made in writing to the Superintendent of Schools stating the basis of the request and must include any material or information that supports such appeal. If the Superintendent of Schools determines that such appeal is allowed by the grievance procedure, the Superintendent of Schools shall make a determination of the appeal within 10 working days of receipt of such appeal. Appeals will generally not include new hearings, interviews, or investigations; however the Superintendent may do so if deemed necessary. Upon receipt of the Superintendent of Schools’ appeal determination, the party has 10 working days from the receipt of the Superintendent’s appeal to appeal such determination to the Board of Education in writing stating the basis of the appeal and any material or information that supports such appeal. If the Board of Education determines that such appeal is allowed by the grievance procedure, the Board of Education shall make a determination of the appeal within 10 working days of receipt of such appeal. The decision of the Board of Education is final.

This appeal process will be, at a minimum, the same as the district offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

Supportive Measures

The district will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the district's education program or activity or provide support during the district's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

- 1. Counseling;*
- 2. Extensions of deadlines and other course-related adjustments;*
- 3. Escorts while on school grounds or activities;*
- 4. Increased security and monitoring of certain areas of the district;*
- 5. Restrictions on contact applied to one or more parties;*
- 6. Leaves of absence;*
- 7. Changes in class, work, or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and*
- 8. Training and education programs related to sex-based harassment.*

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, the district may impose disciplinary sanctions, which may include:

- Student respondents: consequences may include warning, reprimand, detention, in-school suspension, and suspension from school, to be imposed consistent with the district's Code of Conduct and applicable law;*
- Employee respondents: consequences may include warning, reprimand, mandatory counseling, re-assignment, demotion, suspension, and termination, to be imposed consistent with all applicable contractual and statutory rights;*
- Volunteer respondents: consequences may include warning, reprimand, loss of volunteer assignments, and removal from future volunteer opportunities; and*
- Vendor respondents: consequences may include warning, removal from school property, denial of future access to school property, and denial of future business with the district.*
- Other individuals: consequences may include warning, removal from school property, and denial of future access to school property.*

The Title IX Coordinator will facilitate the transfer of information and determinations from the Title IX complaint process to the appropriate administrator, to aid in the imposition of disciplinary consequences.

The district may also provide remedies, which may include:

- Training of entire departments, classes, or groups;*
- Peer support groups;*
- Letters of apology;*
- Separation of the parties;*
- Additional supervision or mentoring for the respondent; and*
- Restitution and restoration.*

Adoption Date:

Classification:

Revised Dates: ; **07.24, 09.24**

SEX DISCRIMINATION AND SEX-BASED HARASSMENT UNDER TITLE IX EXHIBIT - DEFINITIONS

Definitions of the following terms are based on the federal regulations implementing Title IX (34 CFR §106.2):

Complainant means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the district's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the district that objectively can be understood as a request for the district to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the district's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the district identifies as having had their equal access to the district's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the district's education program or activity after the district determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the district's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the district, a student, or an employee or other person authorized by the district to provide aid, benefit, or service under the district's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. Quid pro quo harassment. An employee, agent, or other person authorized by the district to provide an aid, benefit, or service under the district's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;

2. Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the district's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
 - a. The degree to which the conduct affected the complainant's ability to access the district's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. The parties' ages, roles within the district's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the district's education program or activity; or
3. Specific offenses.
 - a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence meaning violence committed by a person:
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 1. The length of the relationship;
 2. The type of relationship; and
 3. The frequency of interaction between the persons involved in the relationship;
 - c. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
 - i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the district, or a person similarly situated to a spouse of the victim;
 - ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - iii. Shares a child in common with the victim; or
 - iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
 - d. Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - i. Fear for the person's safety or the safety of others; or
 - ii. Suffer substantial emotional distress.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party's access to the district's education program or activity, including measures that are designed to protect the safety of the parties or the district's educational environment; or
2. Provide support during the district's grievance procedures or during an informal resolution process.

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STUDENT HARASSMENT AND BULLYING PREVENTION AND INTERVENTION

The Board of Education 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 a *Dignity Act Coordinator (DAC)* for each school in the district. One of the DAC’s will be designated as the district-wide coordinator whose responsibilities are described in the accompanying regulation. The role of each DAC is to oversee and enforce this policy in the school to which they are assigned.

In addition, the Superintendent will establish a district-wide *Task Force on Bullying Prevention*, as well as *Bullying Prevention Coordinating Committees* in each school that will be overseen by the district-wide DAC. Committees will include representation from staff, administration, students and parents. The district-wide task force and the school-level committee will assist the administration 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 building principal or DAC. The building principal, 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 building principal or 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.

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 DAC or Building Principal will prepare an annual report for the Superintendent based on complaints filed.

The district is also required under the federal Title IX law and its implementing regulations to adopt a grievance procedure for addressing complaints of sex discrimination and sex-based harassment. The Title IX regulations contain a definition of sex discrimination and sex-based harassment, and a standard under which complaints must be assessed, that is different from the one in state law and this policy. The district is required to address complaints that might constitute sex discrimination and sex-based harassment prohibited under Title IX pursuant to its grievance procedure. Because of this, any complaint of sexual harassment under this policy (covered by state law) should also be reviewed under the district's Title IX grievance procedure, either prior to or in tandem with this policy. See policy 0111 and regulation 0111-R.

An equitable and thorough investigation will be carried out by DAC or Building Principal 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, the state-required report relevant to bullying, violent and disruptive incidents, and the school climate, for each building and for the district as whole. 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 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 Superintendent, the districtwide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to bus drivers, cafeteria and hall monitors and 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 published in student registration materials, student, parent and employee handbooks, and posted on the district's website. A bullying complaint form will be available on the district's website. 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

0111, Sex Discrimination and Sex-Based Harassment Under Title IX

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.*; 34 CFR Part 106
§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 U.S. 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
Zeno v. Pine Plains 702 F.3d 655 (2nd Cir. 2012)
Cuff v. Valley Central School District F.3d 109 (2nd 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:

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Revised Dates : **07.24, 09.24**

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

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:

- 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, 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, cafeteria, 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 will appoint a district-wide bullying prevention committee, chaired by the districtwide 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. Building-level committees will be appointed by the building principal and will include representation from staff, administration, students and parents associated with that building.

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

The Board of Education will annually designate a staff member, 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) for each school, accountable for implementation of this policy. In addition, one will be designated as the district-wide coordinator who will be responsible for ensuring equivalency in programming across buildings. The building-level DAC will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, including but not limited to coordination of:

- the work of the building-level committees;
- 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 immediately to the principal or the Dignity Act Coordinator 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 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 building principal or 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.

Students who are targets of discrimination and harassment may also file a complaint with the New York State Division of Human Rights (DHR) to allege a violation of the state Human Rights Law Article 15. Complaints about acts that occurred on or after 2/15/24 must be filed within three years of the act (complaints about acts that occurred before 2/15/24 must be filed within one year of the act). Go

to dhr.ny.gov/complaint for more information about filing a complaint with DHR. Students may alternately file a Human Rights Law complaint in state court.

For incidents that involve sex discrimination and/or sex-based harassment, staff must also notify the Title IX Coordinator to determine whether a Title IX complaint is warranted. If the Dignity Act Coordinator is also designated as the Title IX Coordinator, they must determine whether to proceed under Title IX either instead of or in addition to this policy.

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 staff member responsible for investigating complaints 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. Initial (Building-level) Procedure

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 principal or the Dignity Act Coordinator 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.

As soon as possible, but no later than three school days following receipt of a complaint, the principal or the Dignity Act Coordinator will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.

- Providing 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.
- Determining whether the complainant needs any accommodations to ensure their safety, and following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
 - A “permanent” hall pass that allows the student to visit a designated adult at any time;
 - Access to private bathroom facilities;
 - Access to private locker room facilities;
 - An escort during passing periods;
 - If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
 - An opportunity for independent study at home with district-provided tutor until the case is resolved;
 - Permission to use personal cell phone in the event that the student feels threatened and needs immediate access to parent or guardian;
 - Assignment of a bus monitor.

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.

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.

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 or the Dignity Act Coordinator 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 initial investigation may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent or designee will promptly investigate and equitably resolve all bullying complaints that are referred to them, as well as those appealed to the Superintendent following an initial investigation. 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.

The district level investigation should begin as soon as possible but not later than three school days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a district level investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation/Discipline/Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

C. 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 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.

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;
- Adjustment in hallway traffic and other student routes of travel;
- 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

All students and employees will be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy will also be posted in a prominent location at each school.

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

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 DAC(s), administrative employees and other staff, such as counselors or social workers 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:

Classification:

Revised Dates : **07.24, 09.24**

POLICY ON THE RIGHTS OF EMPLOYEES TO EXPRESS BREAST MILK IN THE WORKPLACE

Introduction and Purpose

New York State Labor Law Ssection 206-c gives all employees in New York the right to express breast milk in the workplace. This law applies to all public and private employers in New York State, regardless of size or the nature of their business.

The New York State Department of Labor has developed the official policy on breast milk expression in the workplace as required by the law, ensuring that all employees know their rights and all employers understand their responsibilities. This policy is the minimum required standard, but employers are encouraged to include additional accommodations tailored to their workplace.

With the information provided below, employees will learn how much time they are allowed for breast milk expression, the kind of space employers are required to provide for breast milk expression, how to notify employers about the need to express breast milk in the workplace, and how to notify the Department of Labor if these rights are not honored.

Employers are required to provide this policy in writing to all employees when they are hired and again every year after. Employers are also required to provide the policy to employees as soon as they return to work following the birth of a child.

Using Break Time for Breast Milk Expression

Employers must provide thirty (30) minutes of paid break time for their employees to express breast milk when the employee has a reasonable need to express breast milk. Employees must be permitted to use existing paid break or meal time if they need additional time for breast milk expression beyond the paid 30 minutes. This time must be provided for up to three years following childbirth. Employers must provide paid break time as often as an employee reasonably needs to express breast milk. The number of paid breaks an employee will need to express breast milk is unique to each employee and employers must provide reasonable break times based on the individual. Employers are prohibited from discriminating in any way against an employee who chooses to express breast milk in the workplace.

An employer is prohibited from requiring an employee to work before or after their normal shift to make up for any time used as paid break time to express breast milk.

All employers must continue to follow existing federal and state laws, regulations, and guidance regarding mealtimes and paid break time regardless of whether the employee uses such time to express breast milk. For additional information regarding what constitutes a meal period or a break period under state and federal law, please see the following resources:

- NY Department of Labor Website on Day of Rest, Break Time, and Meal Periods: dol.ny.gov/day-rest-and-meal-periods
- NY Department of Labor FAQs on Meal and Rest Periods: dol.ny.gov/system/files/documents/2021/03/meal-and-rest-periods-frequently-asked-questions.pdf
- U.S. Department of Labor FLSA FAQ on Meal and Rest Periods: dol.gov/agencies/whd/fact-sheets/22-flsa-hours-worked
- U.S. Department of Labor FLSA Fact Sheet on Compensation for Break Time to Pump Breast Milk: dol.gov/agencies/whd/fact-sheets/73-flsa-break-time-nursing-mothers

While an employer cannot require that an employee works while expressing breast milk, Labor Law 206-c does not otherwise prevent an employee from voluntarily choosing to do so if they want to.

Paid breaks provided for the expression of breast milk must be 30 minutes. An employee must be allowed to use regular break or meal time to take a longer unpaid break if needed. Employees may also opt to take shorter paid breaks. Employees who work remotely have the same rights to unpaid time off for the purpose of expressing breast milk, as all other employees who perform their work in-person.

Making a Request to Express Breast Milk at Work

If an employee wants to express breast milk at work, they must give the employer reasonable advance notice, generally before returning to the workplace if the employee is on leave. This advance notice is to allow the employer the time to find an appropriate location and adjust schedules if needed. Employees wishing to request a room or other location to express breast milk in the workplace should do so by submitting a written request to their direct supervisor or individual designated by their employer for processing requests. Employers must respond to this request for a room or other location to express breast milk in writing within five days. Employers must notify all employees in writing through email or printed memo when a room or other location has been designated for breast milk expression.

Lactation Room Requirements

In addition to providing the necessary time during the workday, employers must provide a private room or alternative location for the purpose of breast milk expression. The space provided for breast milk expression cannot be a restroom or toilet stall.

The room or other location must:

- Be close to an employee's work area
- Provide good natural or artificial light
- Be private – both shielded from view and free from intrusion
- Have accessible, clean running water nearby
- Have an electrical outlet (if the workplace is supplied with electricity)
- Include a chair
- Provide a desk, small table, desk, counter or other flat surface

There does not need to be a separate space for every nursing employee. An employer may dedicate a single room or other location for breast milk expression. Should there be more than one employee at a time needing access to a lactation room, an employer may dedicate a centralized location to be used by all employees.

Any space provided for breast milk expression must be close to the work area of the employee(s) using the space. The space must be in walking distance, and the distance to the location should not significantly extend an employee's needed break time.

Employers located in shared work areas, such as office buildings, malls and similar spaces may work together to establish and maintain a dedicated lactation room, as long as such space(s) are a reasonable distance from the employees using the room. Each employer utilizing this common space is individually responsible for making sure the room meets the needs of their employees.

If there is not a separate room or space available for lactation, an employer may use a vacant office or other available room on a temporary basis. This room must not be accessible to the public or other employees while an employee is using it for breast milk expression.

As a last resort, an available cubicle may be used for breast milk expression. A cubicle can only be used if it is fully enclosed with a partition and is not otherwise accessible to the public or other employees while being used for breast milk expression. The cubicle walls must be at least seven feet tall to insure the employee's privacy.

To ensure privacy, if the lactation room has a window, it must be covered with a curtain, blind or other covering. In addition, the lactation space should have a door equipped with a functional lock. If this is not possible (such as in the case of a fully enclosed cubicle), as a last resort, an employer must utilize a sign advising the space is in use and not accessible to other employees or the public.

If the workplace has a refrigerator, employers must allow employees to use it to store breast milk. However, employers are not responsible for ensuring the safekeeping of expressed milk stored in any refrigerator in the workplace. Employees are required to store all expressed milk in closed containers and bring milk home each evening.

The space designated for expressing breast milk must be maintained and clean at all times.

If an employer can demonstrate undue hardship in providing a space with the above requirements, the employer must still provide a room or other location - other than a restroom or toilet stall - that is in close proximity to the work area where an employee can express breast milk in privacy, that meets as many of the requirements as possible. Undue hardship is defined in the statute as "causing significant difficulty or expense when considered in relation to the size, financial resources, nature, or structure of the employer's business." However, an employer may not deny an employee the right to express breast milk in the workplace due to difficulty in finding a location.

New York State Department of Labor Resources

If an employee believes that they are experiencing retaliation for expressing breast milk in the workplace, or that their employer is in violation of this policy, they should contact the New York State Department of Labor's Division of Labor Standards. Call us at 1-888-52-LABOR, email us at LSAsk@labor.ny.gov, or visit our website at dol.ny.gov/breast-milk-expression-workplace to file a complaint.

A list of our offices is available at dol.ny.gov/location/contact-division-labor-standards. Complaints are confidential.

Federal Resources

The federal PUMP Act went into effect in 2023, expanding protections for almost all employees expressing breast milk at work. Under the PUMP Act, any covered workers not provided with breaks and adequate space for up to a year after the birth of a child are able to file a complaint with the U.S. Department of Labor or file a lawsuit against their employers. For more information, please visit dol.gov/agencies/whd/pump-at-work.

Ref:

29 USC §218d (Breastfeeding Accommodations in the Workplace)
Labor Law §206-c

Adoption Date:

Classification:

Revised Dates: ; **07.24, 09.4**

5695 STUDENTS AND PERSONAL ELECTRONIC DEVICES

The Cherry Valley-Springfield Central School district recognizes that the use of electronic devices (cell phones, Smart Watches, tablets, earbuds, etc.) interrupts and/or distracts students during school hours. The increased use and exposure to electronic devices has coincided with an increase in anxiety, depression and emotional isolation, as well as a decrease in focus, physical activity and face-to-face social interaction.

A. Personal electronic devices

Personal electronic devices may not be used on school grounds during the school day, during after school study hall and after school detention.

Students in grades 7-12 who bring personal electronic devices to school must place their device in the Yondr pouch that has been assigned to them by the school. The Yondr pouch will be locked upon arrival in the building and unlocked when the student leaves for the day. Students in grades PK-6 who bring personal electronic devices to school must place their device in their backpack. If a student is seen by a staff member with a personal electronic device the following action and consequence will occur:

Offense	Action Taken	Consequences
1st Offense	Personal electronic device placed in Main Office and returned to the student at the end of the day	One day of lunch detention Parent contacted
2nd Offense	Personal electronic device placed in Main Office and returned to the parent at the end of the day	One day after school detention Parent Conference with Administration
3rd+ Offense	Personal electronic device placed in Main Office and returned to the parent at the end of the day	One day of In-School Suspension Parent Conference with Administration

Students who refuse to give their personal electronic device to staff members/administration are considered insubordinate and subject to discipline for insubordination under the student code of conduct.

Students may not wear headphones in the building during school hours. Headphones may only be used under the discretion of the teacher. At that time headphones will be provided by the District.

Students with individualized education plans (IEPs), 504 Plans, or documentation from a medical practitioner that specifically requires the use of an electronic device may do so as specified.

B. Communication:

Students are to go to the office to make phone calls home. Parents/guardians may call the main office. The main office staff is excellent at relaying messages from parents to students. Emergency phone calls can always be made in the main office, guidance office, health office or classrooms during school hours.

C. The Cherry Valley-Springfield Central School District will not be held responsible for the loss, theft or destruction of any personal electronic devices. Further, the district is not responsible for locating a device that has allegedly been stolen or missing.

E. Annual Review

The Board of Education and an ad-hoc committee shall bi-annually review the Student and Personal Electronic Devices Policy to evaluate the effectiveness of the policy.

Revised:

Cherry Valley-Springfield Central School District