

DISCRIMINATION AND HARASSMENT REGULATION

Reporting Complaints

Any employee or student who believes that he or she has been the victim of an act of discrimination, harassment, or who has seen anyone engaging in any of the prohibited activities listed in policy 5602, must report the harassment at once to the building administrator (e.g., Principal). Complaints should be made in writing; however, complaints may be filed verbally.

In addition, any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Title IX Compliance Officer. The Title IX Compliance Officer is the Pupil Personnel Services Director (c/o PPS Office, Bethlehem Central School District, 700 Delaware Ave., Delmar, NY 12054, (518)439-8886.)

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

Confidentiality

Complaints will be kept in the strictest confidence compatible with the district's ability to conduct a thorough investigation and/or take action to resolve the complaint. The building administrator will inform the Superintendent of Schools of all complaints.

Investigations and Corrective Actions

Once a complaint is made, the district will conduct a prompt and thorough investigation. If the alleged harassment involves the individuals who would ordinarily conduct the investigation, an alternative means of investigation will be used.

A. Initial (Building-level) Procedure

The Principal shall conduct a preliminary review when they receive a verbal or written complaint of discrimination/harassment, or if they observe acts of discrimination/harassment. Except in the case of severe or criminal conduct, the Principal should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

- b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
- c. If either the victim or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
- d. The Principal or Title IX Compliance Officer (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
- e. The investigator shall report back to both the victim and the accused, 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 investigator shall instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
- f. The investigator shall notify the victim that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

If the initial investigation results in a determination that harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Compliance Officer contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the Principal or the Title IX Compliance Officer has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

Retaliation Prohibited

Employees and students who in good faith make a report of discrimination/harassment will be protected against adverse actions or retaliation as a result of their report. Persons who believe that they have been retaliated against in violation of this policy should follow the same procedure outlined above for complaints of harassment.

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.

Discipline/Penalties

Any individual who violates the harassment policy by engaging in prohibited discrimination/harassment will be subject to appropriate disciplinary action. 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 Bethlehem Central School District Student Code of Conduct policy 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.

False Complaints

False or malicious complaints of discrimination/harassment may result in corrective or disciplinary action taken against the complainant.

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