

UNIONDALE UNION FREE SCHOOL DISTRICT

Office of Human Resources

933 GOODRICH STREET, UNIONDALE, NEW YORK 11553-2499

Website: <http://district.uniondaleschools.org>

Title: Discrimination & Harassment Complaint Procedure

Regulation No.: 7550 (Student) – 6121 (Employee)

Effective Date: July 1, 2017

Revision Date:

PURPOSE

The Uniondale UFSD is committed to creating and maintaining a working and learning environment which is free of discrimination and intimidation. All complaints of discrimination and harassment will be thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute harassment, sexual harassment, discrimination or a form of misconduct. This procedure outlines the steps a complainant should take in order to have their complaint investigated and resolved.

SCOPE

This procedure applies to all students and employees of the Uniondale UFSD.

POLICY

- Administrative Manual Policy 3420: *Anti-Harassment in the School District*
- Notice of Non-discrimination: www.uniondaleschools.org

APPROVED FORMS

- Complaint Form 3230F

CONTACTS

Compliance Officer
933 Goodrich Street
Uniondale, NY 11553
(516) 560-8822 Phone
(516) 560-8927 Fax
hrcompliance@uniondaleschools.org

Superintendent
933 Goodrich Street
Uniondale, NY 11553
(516) 560-8824

Board of Education
933 Goodrich Street
Uniondale, NY 11553

PROCEDURE

1. Any student or employee in the District who wishes to file a complaint regarding discrimination or harassment shall, if possible, make such a complaint in writing using the **Complaint Form 3230F**.

- The 3230F complaint form may be obtained by accessing the "Notice of Non-discrimination" box below the Quick Links on the Uniondale UFSD's website, www.uniondaleschools.org
- You may translate the 3230F complaint form using the "Google Translate" feature on the "Notice of Non-discrimination" page of the Uniondale UFSD's website
- The 3230F complaint form is also available in every school's main office

If unable to make the complaint in writing, students may contact a teacher, counselor, administrator or the Compliance Officer, and employees may contact their department head or the Compliance Officer to assist with putting the complaint in writing. The written complaint must be signed by the complainant, dated, and include at a minimum, the following information:

- Date(s), time(s), place(s) of alleged incident(s)
- Alleged perpetrators of the discrimination or harassment (names, identifiers, etc)
- Description of each incident, by date
- Witnesses, if any (names and identifying information)
- Other relevant information
- Desired resolution - what you'd like to see change as a result of the investigation

2. The written complaint (form 3230F) should be forwarded to the Compliance Officer by yourself or the administrator or department head assisting you. If forwarded to the principal or other administrator, he/she will forward the complaint form to the Compliance Officer.

3. The Compliance Officer or his/her designee will:

- Begin a fact-finding investigation which will be prompt and equitable to all parties. The investigation may include interviews of appropriate witnesses.
- Render a decision within two (2) weeks after receipt of complaint, and notify the complainant, Superintendent, and others who need to be advised of the decision. If additional time is needed for good cause, (e.g., key witnesses cannot be interviewed in a timely manner), the decision will be made as soon as reasonably possible. If the decision is to be delayed for good cause, the complainant, Superintendent, and other material parties shall so be notified and an estimated date for a decision will be noted.
- Within one (1) week of the decision, enact or implement the changes/recommendations, if any, based on the decision.
- Complainant has one (1) week to accept or appeal the decision.
 - a. Accept the decision: By notifying the Compliance Officer in writing;
 - b. Disagree with the decision: Appeal the decision by notifying the Compliance Officer, or Superintendent in writing. (see First Appeal Level below).
 - c. If complainant fails to notify the Compliance Officer or Superintendent of his/her acceptance or disagreement with the decision, it will be assumed that the resolution is acceptable, and the Compliance Officer will ensure the changes/ recommendations are implemented appropriately.

First Appeal Level: Superintendent-level appeal

1. The Compliance Officer will forward all materials, including the letter requesting appeal of the initial decision, to the Superintendent for review.
2. The Superintendent of his/her designee will schedule a meeting within two (2) weeks of receipt of the request for review/appeal.
3. The participants at the scheduled meeting shall be, at a minimum, the complainant, the Compliance Officer, and the Superintendent and/or his/her designee. The accused may be in attendance as well.
4. The Superintendent, or his/her designee(s), shall conduct a prompt, impartial, equitable and thorough review of the materials. He/she shall have the right to re-interview witnesses, e.g., if testimony is unclear or new evidence has been brought to light, or to interview additional witnesses if needed to ensure an equitable decision.
5. The Superintendent, or his/her designee, will present his/her decision within three (3) weeks after the meeting of the parties unless additional time is needed for good cause. If additional time is needed, material parties shall so be notified and provided with an estimated date of the appeal decision.
6. The decision of the Superintendent or designee shall be in writing, and sent to the complainant, the accused, the principal of the school of the complainant, and the Compliance Officer.
7. The complainant has one (1) week to accept or appeal the Superintendent-level decision. The complainant shall notify the Superintendent's office, in writing, whether he/she accepts or wishes to appeal the decision. If complainant fails to notify the Superintendent or the Compliance Officer of his/her acceptance or disagreement with the decision, it will be assumed that the resolution is acceptable, and the Compliance Officer will ensure the changes/recommendations are implemented appropriately.

Second Appeal Level: School Board-level appeal

1. Should the complainant not be satisfied with the Superintendent-level decision and wish to pursue the matter further, complainant shall compose a letter stating his/her reason for disagreement with the Superintendent's decision and request an appeal. The letter of appeal should be sent to the School Board *in addition* to the Superintendent's office and the Compliance Officer. A record should be made of the date the letter is sent by the complainant, and the date the School Board received the letter requesting further review.
2. The School Board shall hire or appoint persons who are impartial and who have not been otherwise involved in the investigation of this complaint to conduct a prompt, fair, equitable, and thorough investigation. The person(s) hired or appointed to conduct this investigation will be knowledgeable in the civil rights laws pertaining to the alleged violation by the complainant, and be knowledgeable in conducting investigations of alleged violations of said law(s).
3. A decision shall be made by the School Board based on the recommendation and findings of the investigator(s) appointed by the School Board within four (4) weeks from the date the complainant's letter requesting further review is received. If a decision cannot be made within four (4) weeks for good cause, material parties shall so be notified and provided with an estimated date for the decision to be made.
4. If a complainant is dissatisfied with the School Board-level decision, he/she must request a review by the Office for Civil Rights (OCR) within sixty (60) days of the School Board's decision. If complainant fails to notify the School Board of his/her acceptance or disagreement with the decision, it will be assumed that the resolution is acceptable, and the Compliance Officer will ensure the changes/recommendations are implemented appropriately.

Concurrent Appeals or Appeal of the School Board-level appeal

A complainant can, while the investigation is happening at the school level, also contact any of the following agencies and request that an independent investigation be conducted:

New York State Office for Enforcement

(for civil rights discrimination based on race, color, national origin, sex, and/or disability)

Office for Civil Rights
U.S. Department of Education
32 Old Slip, 26th Floor
New York, NY 10005-2500
<http://www2.ed.gov/about/offices/list/ocr/docs/howto.html>

Phone: 646-428-3900/800-421-3481
Fax: 646-428-3843
TDD: 877-521-2172
E-mail: OCR.NewYork@ed.gov

New York Civil Liberties Union

125 Broad Street, 19th Floor
New York, NY 10004
<http://www.nyclu.org>

Phone: 212-607-3300
Fax: 212-607-3318