

Island Park UFSD

1605 – HUMAN RESOURCE ENVIRONMENT

1605.1 –POLICY AGAINST WORKPLACE DISCRIMINATION OR HARASSMENT

The Island Park Union Free School District is committed to providing a work environment that is free from all forms of discrimination and conduct which can be considered illegally harassing, coercive, or disruptive. Discrimination or harassment based on race, color, religion, creed, national origin, political affiliation, sex, age, marital status, sexual orientation, pregnancy, military status, veteran status, genetic predisposition or carrier status, ancestry, disability or any other characteristic or status protected by applicable law, will not be tolerated.

Prohibited Conduct

Sexual harassment and harassment on the basis of any other protected characteristic are strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, religion, creed, sex, sexual orientation, national origin, political affiliation, age, disability, marital status, citizenship, pregnancy, military status, veteran status, genetic predisposition or carrier status, ancestry, disability or any other legally protected characteristic. This includes, but is not limited to, any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment. This prohibition extends to conduct involving school employees, officers, board members, volunteers, students and non-employees including, for example, agents, contractors and vendors, which occurs on school grounds or at school-sponsored events, programs and activities, including those that take place at locations off-school premises and/or in another state.

Sexual or Other Unlawful Harassment

Sexual or Other Unlawful Harassment constitutes unlawful behavior when:

- Conduct is either an explicit or implicit term or condition of employment; or
- Submission to or rejection of the harassment is used as the basis of employment decisions such as promotion or work assignments; or
- It has the purpose or effect of substantially interfering with an individual's work performance or creates an intimidating, hostile, or offensive work environment.

Sexual harassment includes unwelcome sexual advances, request for sexual favors, deliberate or repeated unsolicited verbal comments, gestures or physical conduct of a sexual nature. Depending on the circumstances, sexual harassment can also include unwelcome joking, teasing, or other conduct directed toward a person because of his or her gender.

Other Unlawful Harassment includes, but is not limited to, epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or

shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the District's premises, circulated in the workplace, or on the internet.

Sexual or Other Unlawful Harassment is a form of misconduct. Anyone engaging in Sexual or Other Unlawful Harassment, and supervisory or managerial personnel who knowingly allow the behavior to continue, will be subject to disciplinary action, up to and including termination of employment. If the harassment involves a non-employee of the District, then other consequences will be implemented, up to and including termination of any contractual relationship between the District and the non-employee.

Complaint Procedure

It is the responsibility of immediate supervisors and Building Principals to ensure that no employee is subjected to any form of prohibited harassment. Should an immediate supervisor or Building Principal become aware of the occurrence of harassment, irrespective of whether the affected employee files a complaint, it is the responsibility of the immediate supervisor or Building Principal to follow the procedures set forth below in order to ensure that appropriate action is taken to eliminate the harassment and rectify the situation.

Any employee who believes he or she has been subjected to prohibited harassment or intimidation or who has witnessed anyone engaging in prohibited activity should immediately contact the Immediate Supervisor or Building Principal and the Compliance Officer/Title IX Coordinator. If an employee is hesitant to bring the matter to the attention of his or her Immediate Supervisor or Building Principal or the Compliance Officer/Title IX Coordinator, a report can be made to the Superintendent of Schools. The contact information for the Compliance Officer/Title IX Coordinator will be listed in the District's Notice of Non-Discrimination and will be listed on the District website.

The following procedure must be followed when there is any indication that harassment has taken, or is taking, place:

- An employee who raises a question or concern regarding harassment should be encouraged to file a written complaint with his or her immediate supervisor or the Building Principal and the Compliance Officer/Title IX Coordinator. A form for filing the complaint is attached to this Policy. If the employee is hesitant to file the complaint with his or her Immediate Supervisor or the Building Principal or the Compliance Officer/Title IX Coordinator, the employee should then file the complaint directly with the Superintendent of Schools. If the employee's complaint involves the Compliance Officer/Title IX Coordinator, the employee should file a complaint with the Superintendent of Schools. If the employee's complaint involves the Superintendent of Schools, the employee should file a complaint with the Board President or the School Attorney.
- In the event that the immediate supervisor or Building Principal is aware of an occurrence of harassment, but discovers that no complaint has been filed by the affected employee and that the employee is unwilling to file a complaint, the immediate supervisor or Building Principal will immediately notify the Compliance Officer/Title IX Coordinator.
- The Compliance Officer/Title IX Coordinator, or designee, will investigate all complaints of harassment, except as outlined above. This will include, but not be limited to,

interviewing the complaining party, the accused, any supervisors, and any other personnel, as necessary, to obtain sufficient factual information upon which to make a determination. All records of this investigation will be maintained in an independent and confidential file. Third parties may be designated to investigate the complaint or assist with any investigation.

- At the conclusion of the investigation, the Compliance Officer/Title IX Coordinator will report the findings to the Superintendent of Schools. If it is found that prohibited harassment has, in fact, occurred, the Compliance Officer/Title IX Coordinator will make a recommendation to the Superintendent of Schools and appropriate corrective action will be taken.
- Where appropriate, the affected employee and the accused will be separately advised by the Compliance Officer/Title IX Coordinator as to the final disposition of the investigation.
- Every effort will be made to complete each investigation in a timely manner after the Compliance Officer/Title IX Coordinator is notified of a complaint or a suspected problem.
- Complaints that also allege a violation of Policy #3107.8 (Bullying Prevention and Intervention) must be investigated pursuant to that Policy.

Corrective Action

Any employee who, upon investigation of a complaint, is determined to have impermissibly harassed another individual in violation of this Policy, may be subject to disciplinary action up to, and including, discharge. Should the offending individual be a student, appropriate disciplinary measures will be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Confidentiality

At all stages of this process, the confidentiality and privacy of all parties will be respected to the extent possible while still conducting a thorough investigation of the complaint and taking appropriate corrective action as necessary.

Retaliation

The District will not tolerate coercion, intimidation, interference, retaliation or discrimination against an employee for filing a complaint or assisting in an investigation as a witness or otherwise. Any employee who believes that he or she has been subjected to any acts of coercion, intimidation, interference, retaliation or discrimination for filing a complaint or assisting in an investigation should immediately report that conduct to his or her immediate supervisor, the Building Principal or the Compliance Officer/Title IX Coordinator. Any employee who retaliates against another employee for reporting any perceived acts of unlawful harassment will be subject to disciplinary action up to, and including, discharge or suspension, as appropriate.

Bad Faith Claims

If, after investigating a complaint of harassment, it is determined that an employee has made a claim of harassment in bad faith, or intentionally provided false information regarding a harassment complaint, disciplinary or legal action, including discharge, may be taken against the employee who filed the complaint or who provided the information.

Other Laws

Federal, state and local laws also prohibit sexual and other forms of harassment and discrimination. These laws include Title IX of the Education Amendments of 1972, Titles VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination in Employment Act, the Americans with Disabilities Act, the Equal Pay Act, the New York State Human Rights Law, and the Nassau County Unlawful Discriminatory Practices Law. In addition to utilizing the District’s internal complaint procedure, employees and applicants have the right to file a complaint with the following agencies, and non-employees have the right to file a complaint with the New York State Division of Human Rights. The available remedies from these agencies include investigation, mediation and conciliation, a hearing, an enforcement proceeding or a judicial review, which may include monetary damages, civil fines or penalties, attorneys’ fees, and an injunction or other legal order.

Please check directly with these agencies for the time limits and their procedures for filing complaints:

NASSAU COUNTY HUMAN RIGHTS COMMISSION	NEW YORK STATE DIVISION OF HUMAN RIGHTS	EQUAL EMPLOYMENT OPPORTUNITY COMMISSION	U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS
240 Old Country Rd. 6th floor, Suite 606 Mineola, NY 11501	50 Clinton Street, Suite 301 Hempstead NY 11550	33 Whitehall Street, 5 th Floor New York, NY 10004	32 Old Slip, 26th Flr. New York, NY 10005-2500

Dissemination

A copy of this Policy will be appropriately posted in the District. The District’s employees will be trained annually with regard to their rights and obligations pursuant to this Policy.

DISCRIMINATION/HARASSMENT COMPLAINT FORM

Use this form to file an internal claim of discrimination or harassment, including hostile work environment, based on race, color, national origin, creed, age, sex (including sexual harassment), sexual orientation, genetic information, gender identify, transgender dysphoria, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law.

PERSONAL INFORMATION

Name: _____ Building/Department: _____
Home Address: _____ Business Address: _____
_____ Zip _____ _____ Zip _____

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____
Title: _____
Business Phone: _____

DETAILS OF CLAIM

1. Claim of discrimination/harassment is based on (check one or more that apply):

- | | | |
|--|---|---|
| <input type="checkbox"/> RACE | <input type="checkbox"/> GENDER DYSPHORIA | <input type="checkbox"/> DISABILITY |
| <input type="checkbox"/> COLOR | <input type="checkbox"/> MARITAL STATUS | <input type="checkbox"/> PREGNANCY-RELATED
CONDITION |
| <input type="checkbox"/> NATIONAL ORIGIN | <input type="checkbox"/> FAMILIAL STATUS | <input type="checkbox"/> ARREST (NOT PENDING) |
| <input type="checkbox"/> CREED | <input type="checkbox"/> DOMESTIC VIOLENCE | <input type="checkbox"/> CRIMINAL CONVICTION |
| <input type="checkbox"/> SEX | <input type="checkbox"/> VICTIM STATUS | <input type="checkbox"/> MILITARY STATUS |
| <input type="checkbox"/> GENDER IDENTITY | <input type="checkbox"/> RELIGION | <input type="checkbox"/> VETERAN STATUS |
| <input type="checkbox"/> SEXUAL
ORIENTATION | <input type="checkbox"/> AGE | <input type="checkbox"/> GENETIC INFORMATION |
| <input type="checkbox"/> OTHER (explain) _____ | <input type="checkbox"/> TRANSGENDER STATUS | |

2. Claim of discrimination/harassment is made against: Your Relationship to this person:
Name: _____ Supervisor
Work Address: _____ Co-worker
_____ Subordinate
Work Phone: _____ Other: _____

3. Incident(s) occurred on or about (date(s)): _____

4. Briefly describe the incident and your reasons for concluding that it was discriminatory/harassing. Include names of witness(es), if any, and attach supporting date, if available. Use an additional sheet(s), if necessary.

AFFIRMATION: I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination/harassment through judicial or administrative processes.

I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

DATE RECEIVED:

BY WHOM:

_____	_____	_____
	Signature	Print Name
_____	_____	_____
	Signature	Print Name
_____	_____	_____
	Signature	Print Name

Second Reading/Adoption: November 26, 2018