

MOUNT PLEASANT COTTAGE SCHOOL UNION FREE SCHOOL DISTRICT**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT GUIDELINES IN THE SCHOOL DISTRICT**

The Mount Pleasant Cottage School Union Free School District is committed to creating and maintaining a working and learning environment which is free of discrimination and intimidation. Based upon the principle that every individual is entitled to be treated with dignity and respect, and a recognition that harassment is a violation of law and District policy, the District strictly prohibits communication (verbal, written or graphic) and/or physical conduct which constitutes harassment based on an individual's actual or perceived race, color, creed, religion, national origin, sexual orientation (the term "sexual orientation" means heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived), political affiliation, sex, age, marital status, military status, veteran status, disability, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status. The District also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes.

Anyone who is in violation of District policy and/or regulation will be subject to sanctions and/or disciplinary action as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the *District Code of Conduct*. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the *Code of Conduct*, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors/contractors, etc.) who are found to have violated District policy and/or accompanying regulations, and the *Code of Conduct*, will be subject to appropriate sanctions as warranted and in compliance with law.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

Retaliation against any individual for filing a charge of harassment or reporting allegations of harassment is illegal and prohibited. Similarly, retaliation against any person who participates in a related investigation or proceeding and/or hearing of such a charge or complaint of harassment is also prohibited. Any employee or student who retaliates against another individual shall be subject to disciplinary action, as warranted, in accordance with legal guidelines, applicable contractual mandates and/or the *Code of Conduct*.

Definitions/Examples of Prohibited Conduct

The District strictly prohibits all forms of harassment on school premises and in school buildings; and at all school-sponsored programs, activities and events, including those which take place off school premises.

(Continued)

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT GUIDELINES IN THE SCHOOL DISTRICT (Cont'd.)

Harassment can include any unwelcome verbal, written, email or physical conduct which offends, denigrates, or belittles any individual because of any of the characteristics described above. Such conduct includes, but is not limited to, derogatory remarks, jokes, demeaning comments or behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

Harassment Based on Race, Color and/or National Origin

Harassment based on race, color and/or national origin consists of communication (verbal, written, or graphic) and/or physical conduct relating to an individual's race, color, or national origin (including an individual's ancestry, country of origin, or country of origin of the individual's parents, family members, or ancestors) that is sufficiently severe, pervasive, or persistent so that such conduct:

- 1) Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- 3) Otherwise adversely affects an individual's employment or academic opportunities.

Examples of such conduct include, but are not limited to, the following:

- 1) Intimidation and implied or overt threats of physical violence motivated by race, color, and/or national origin.
- 2) Physical acts of aggression or assault upon another, or damage to another's property that is motivated by the individual's race, color, and/or national origin.
- 3) Demeaning jokes based on an individual's race, color and/or national origin, taunting, racial slurs and derogatory racial "nicknames," innuendoes, or other negative or derogatory remarks of a racial nature or relating to national origin.
- 4) Graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or racially/ethnically derogatory sentiments.
- 5) Criminal offenses directed at persons because of their race, color, and/or national origin.

(Continued)

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT GUIDELINES IN THE SCHOOL DISTRICT (Cont'd.)Sexual Harassment and Sexual Violence

Sexual harassment consists of unwanted and unwelcome sexual or gender-based behavior including, but not limited to, sexual advances, requests for sexual favors, sexually motivated physical conduct, or other communication (verbal, written or graphic) and/or physical conduct of a sexual nature when:

- 1) Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of an individual's employment or education.
- 2) Submission to, or rejection of, such conduct or communication is used as a factor in decisions affecting an individual's employment or education.
- 3) Such conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's work or education; or creates an intimidating, hostile or offensive work or educational environment.

Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence as defined by New York Penal Law includes but is not limited to acts such as:

- 1) Rape;
- 2) Sexual assault;
- 3) Sexual battery;
- 4) Sexual coercion.

For specific information relating to sexual harassment complaints, prohibited conduct, and grievance procedures, please refer to the District's policies and/or regulations addressing Sexual Harassment of District Personnel and Sexual Harassment of Students.

Harassment Based on Disability

For purposes of this regulation, harassment because of disability consists of severe, persistent or pervasive communication (verbal, written or graphic) and/or physical conduct relating to an individual's physical or mental impairment such that it substantially or unreasonably interferes with an individual's work or academic environment; affects an individual's ability to participate in or benefit from employment/educational programs or activities; or creates an intimidating, threatening or abusive work/educational environment. Such harassing conduct includes any unwelcome verbal, written or physical conduct directed at the characteristics of a person's disabling condition, such as imitating manner of speech or movement, or intentional interference with necessary equipment.

(Continued)

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT GUIDELINES IN THE SCHOOL DISTRICT (Cont'd.)

Examples of prohibited conduct include, but are not limited to, the following:

- 1) Graffiti containing offensive language which is derogatory to others because of their physical or mental disability.
- 2) Threatening or intimidating conduct directed at another because of the other's physical or mental disability.
- 3) Jokes, rumors or name calling based upon an individual's physical or mental disability.
- 4) Slurs, negative stereotypes, and hostile acts which are based upon another's physical or mental disability.
- 5) Graphic material containing comments or stereotypes which is posted or circulated and which is aimed at degrading individuals or members of protected classes.
- 6) A physical act of aggression or assault upon another because of an individual's physical or mental disability.
- 7) Other kinds of aggressive conduct such as theft or damage to property which is motivated by an individual's physical or mental disability.

Harassment Based on Religion and/or Creed

Harassment on the basis of religion and/or creed consists of unwelcome communication (verbal, written or graphic) and/or physical conduct directed at the characteristics of a person's religion or creed including, but not limited to, derogatory comments regarding surnames, religious tradition, religious clothing, or religious slurs or graffiti. It has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment; or substantially or unreasonably interferes with an individual's work or academic performance; or otherwise adversely affects an individual's employment or academic opportunities.

Other Forms of Harassment

In accordance with applicable laws, as well as District policy, regulation, collective bargaining agreements, and/or the *District Code of Conduct*, the District condemns and prohibits all other forms of unlawful harassment based on the characteristics named above that substantially or unreasonably interfere with an individual's work/academic environment; adversely affect an individual's work/academic performance; or otherwise adversely affect an individual's employment or academic

(Continued)

Community Relations

SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT GUIDELINES IN THE SCHOOL DISTRICT (Cont'd.)

opportunities in violation of law and regulations, District policies, collective bargaining agreements and/or *District Code of Conduct*, as applicable.

This regulation should not be read to abrogate other District policies and/or regulations prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this District. It is the intent of this District that all such policies and/or regulations be read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities. However, different treatment of any member of the above named group which has a legitimate, legal and nondiscriminatory reason shall not be considered a violation of District policy and/or regulation.

Authority and Responsibility

It is the responsibility of all Mount Pleasant Cottage School Union Free School District employees and students to ensure that their behavior and environment are maintained free of harassment and discrimination. Furthermore, each administrator and supervisor has the responsibility to maintain a non-threatening environment which includes discussing the District's policy and regulation pertaining to harassment with all employees and students, and assuring students and staff that they are not required to endure insulting, degrading or exploitative treatment.

All complaints of harassment and discrimination, whether written or verbal, formal or informal, will be promptly, equitably and thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute harassment. It is recommended that any individual of the above named group who believes he/she has been subjected to harassment or discrimination, or has reason to know of and/or witnesses any incident of harassment or discrimination by a District employee, student, or other third party subject to the control and supervision of the District, submit a *written* complaint; however, complaints may be filed verbally and the absence of a written complaint does not negate the District's responsibility to investigate such allegations as thoroughly as possible. School officials are required to provide a written report of investigation findings and any action taken to resolve the complaint within time frames as established by the District.

Any individual of the above named group who believes he/she has been subjected to harassment or discrimination in the school environment or at school-sponsored activities, including those which take place off school premises, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of harassment, shall promptly report such occurrence; the report is to be directed to or forwarded to the District's designated Compliance Officers or as otherwise indicated in this regulation. The District will designate, at a minimum, two Compliance Officers, one of each gender. If the individual is in doubt as to the "seriousness" of the incident and/or whether such behavior constitutes harassment or discrimination, he/she is still encouraged to

(Continued)

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT GUIDELINES IN
THE
SCHOOL DISTRICT (Cont'd.)**

immediately report such conduct for resolution. If the Compliance Officer is the alleged offender, the report shall be directed to the next level of supervisory authority as indicated below. Allegations of harassment may be reported through informal and/or formal complaint procedures; and utilization of the District's grievance guidelines does not preclude an individual from pursuing other avenues of legal recourse.

Civil Rights Compliance Officer (Title IX/Section 504/ADA Compliance Officer)

The Civil Rights Compliance Officer is the Superintendent and/or Director of Operations, and/or Principal. The Civil Rights Compliance Officer shall be appointed by the Board and shall be responsible for providing information, including complaint procedures, and for handling complaints relative to civil rights (e.g., Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, etc.) for any student, parent, employee or employment applicant.

If there is some reason why an individual cannot make a report to the designated Compliance Officer, the individual may report the matter to the next level of supervisory authority or building administrator as appropriate. However, if the individual reports such occurrence to any other school employee, the individual shall be informed of the employee's obligation to report the complaint to administration. The administrator who is made aware of the occurrence of possible harassment, whether or not a complaint has been filed, is required to promptly report the incident(s) to the Superintendent and/or designated Compliance Officer as appropriate.

Complaints of harassment will be investigated thoroughly, promptly and equitably in accordance with law and regulations as well as any applicable collective bargaining agreement(s). *However, when school officials receive a complaint or report of alleged harassment that is criminal in nature or that could lead to in-school or out-of-school violence, law authorities should be immediately notified.*

The Superintendent is to be informed as soon as possible regarding all complaints and/or reports regarding discrimination or harassment, and the status of any investigations.

NOTE: Refer also to Regulations #3420R.1 -- Reporting Complaints of Discrimination and Harassment
#3420F -- Sample Complaint Form
#6121R -- Sexual Harassment
#7551R -- Sexual Harassment of Students