

# POLICY

2005

4512  
1 of 4

Administration

## **SUBJECT: ANTI-DISCRIMINATION POLICY**

This policy applies to students, employees, volunteers and visitors.

The District does not discriminate in employment or in the education programs and activities which it operates on the basis of race, color, national origin, religion, including attire, clothing or facial hair dictated by race or religion, marital status, military status, sex, age, weight, criminal history, sexual orientation, gender identity or expression, ethnic group, religious practice, disability (including but not limited to gender dysphoria) domestic violence victim status, or predisposing genetic characteristic in violation of Title IX of the Education Amendments of 1972, Title VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 12111 et seq. known as the Americans With Disabilities Act or § 504 of the Rehabilitation Act of 1973, New York State Human Rights Law, and The Boy Scouts of America Equal Access Act of 2001.

### **Grievance Procedure**

#### **Section 1**

If any person believes that the District or any of the District's staff or any third party has failed to apply or has inadequately applied the principles or regulations of (1) Title VII of the Civil Rights Act of 1964, (2) Title IX of the Education Amendment Act of 1972, (3) ' 504 of the Rehabilitation Act of 1973, or (4) The Boy Scouts of America Equal Access Act of 2001, that person may bring forward a complaint, which shall be referred to as a grievance, to the District's Compliance Officer, Section 504 Coordinator or the United States Office for Civil Rights at <http://www2.ed.gov/about/offices/list/ocr/docs/howto.html> .

The Compliance Officer or Section 504 Coordinator will then investigate the substance of the complaint in a thorough and impartial manner. Alternatively, an outside investigator may be used to conduct the investigation. The Complainant may provide evidence or witnesses to the Compliance Officer or Section 504 Coordinator as part of the investigation. If a determination is found that discrimination occurred, the District will take appropriate steps to prevent further harassment from occurring and to correct the effects of said harassment if appropriate.

Further, the District prohibits retaliation against any individual filing a complaint under this policy or participating in any resulting investigation. If you believe you are being retaliated against, you should contact the District's Compliance Officer or Section 504 Coordinator or the United States Office for Civil Rights as noted above.

The District's Compliance Officer and Section 504 Coordinator is:

Todd Schaffer  
68 Wilson Creek Road  
Newark Valley, NY 13811  
[tschaffer@nvcs.stier.org](mailto:tschaffer@nvcs.stier.org)  
(607) 642-32221

Examples of conduct violating this policy include but are not limited to:

Use of race based language such as the "n" word  
Unwanted touching or groping  
Failure to follow an IEP or 504 Plan  
Making fun of someone because of where they come from or their accent  
Making fun of someone's clothes based on gender bias or religious/ethnic traditions  
Making fun of someone based on their disability

## **Section 2**

### **Step (a):**

The complainant shall discuss the grievance informally with the Compliance Officer or Section 504 Coordinator, or may file a written complaint with the Compliance Officer or Section 504 Coordinator. The Compliance Officer or Section 504 Coordinator will then investigate in an impartial and thorough manner the substance of the complaint in a thorough and impartial manner. Alternatively, an outside investigator may be used to investigate the complaint. The Complainant may provide evidence or witnesses to the Compliance Officer or Section 504 Coordinator as part of the investigation. The Compliance Officer or Section 504 Coordinator will take necessary steps during the investigation to ensure the Complainant's safety. Whenever possible, the investigation will be completed within 10 school days. Once the Compliance Officer has made a final determination regarding the complaint, both parties will be notified of the outcome of the complaint within 5 school days of the determination. If a determination is found that discrimination occurred, the District will take appropriate steps to prevent further harassment from occurring and to correct the effects of said harassment if appropriate. Discriminatory conduct, including retaliation, is considered misconduct and a violation of this policy. Such steps will include, as appropriate, offering counseling and academic support services to the Complainant and to the person engaging in the harassment. Disciplinary remedies could include suspension, reprimand, reassignment, termination or any such other discipline permitted under the law.

### **Step (b):**

If a party wishes to appeal the decision of the Compliance Officer or Section 504 Coordinator, the appealing party may submit a signed statement of appeal to the Superintendent within five school days after receipt of the Compliance Officer's or Section 504 Coordinator's response. The Superintendent shall meet with the complainant and any representative and make such other inquiries which the Superintendent deems appropriate. The Superintendent will consider the appeal in an impartial manner. Thereafter, the Superintendent shall set forth a conclusion and respond in writing to the complainant and the person alleged to be engaging in the harassment within 10 school days.

### **Step (c):**

If the complainant is not satisfied with the conclusion of the Superintendent, the complainant may appeal through a signed, written statement to the Board within seven business days of receipt of the Superintendent's response in Step (b). In an attempt to resolve the grievance, the Board shall meet with the complainant and any representative within 30 calendar days of receipt of such an appeal. The Board's written disposition of the appeal shall be sent to the complainant within ten business days of this meeting.

### **Step (d):**

If the grievance has not been satisfactorily settled at Step (c), further appeal may be made to the Office of Civil Rights, Department of Education, Washington, D.C. 20201, the NLS Division of Human Rights One Fordham Plaza, 4th Floor, Bronx, NY 10458, the EEOC, Olympic Towers, 300 Pearl Street, Suite 450, Buffalo, NY 14202.

### **Section 3**

The compliance officer, on request, will provide a copy of the District's grievance procedure to any employee or student of the District.

A copy of each of the acts and regulations upon which this notice is based will be made available upon written request directed to the District's Compliance Officer and Section 504 Coordinator.

The words *person* and *complainant* shall include anyone covered by this policy.

Inquiries concerning the anti-discriminatory policy may be made to Director, Office for Civil Rights, Department of Education, Washington, D.C. 20201.

### **Publication**

The School District shall promulgate this policy and sexual harassment policy as follows:

- A copy of this policy and the sexual harassment policy shall be inserted in the first pay envelope of each employee every school year. In relation to an employee hired during the school year, these policies shall be inserted in the first paycheck paid to the employee.
- These policies shall be published as part of the District's student handbook.
- These policies shall be published in any recruitment materials or publications containing general information made available to participants, beneficiaries, applicants, or employees and shall include the contact information for the Compliance Officer and Section 504 Coordinator.
- These policies shall be published annually on the District's website.
- These policies shall be provided annually to the president of each bargaining unit.

Annual publications shall contain the name, business address and telephone number of the District's compliance officer and Section 504 Coordinator.

## **Employment Application**

Each employment application of the District shall contain the following language:

- The district does not discriminate in employment or in the education programs and activities which it operates on the basis of race, color, national origin, religion, including attire, clothing or facial hair dictated by race or religion,, marital status, military status, sex, age, weight, sexual orientation, gender identity or expression, domestic violence victim status, criminal history ethnic group, religious practice, disability or predisposing genetic characteristic in violation of Title IX of the Education Amendments of 1972, Title VI and VII of the Civil Rights Act of 1964, 42 U.S.C. 12111 et seq. known as the Americans With Disabilities Act or § 504 of the Rehabilitation Act of 1973 and New York State Human Rights Law, and The Boy Scouts of America Equal Access Act of 2001.
- The district does not discriminate on the basis of salary history and will make no inquiry into the salary history of an applicant prior to making an offer of employment to the applicant and determining a salary.

Adopted: September 12, 2005

Revised: July 9, 2007

Revised: November 27, 2023