



## Monticello Central School District

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*"Building Excellence Through Trust"*

[www.monticelloschools.net](http://www.monticelloschools.net)

### Memorandum

To: Faculty and Staff

From: Dr. Kenneth W. Newman, Sr.

Date: August 2011

Subject: **Policy and Procedures for Discrimination and Complaints**

Attached please find the policies and procedures of the Board of Education on Equal Opportunity and District Grievance procedures and complaint form. The Board of Education is committed to provide equal opportunity without regard to race, color, creed, age, gender, sexual orientation, marital status, veteran status, national origin or disability.

All employees should be familiar with the policy and be acquainted with behavior that constitutes discriminatory acts. You will find included the procedures for filing a grievance and the forms for such a grievance.

If you have any questions about the policy, please address them to your school principal or supervisor.

cc: Superintendent of Schools

## **0110 SEXUAL HARASSMENT**

The Board of Education recognizes that harassment of students and staff on the basis of sex and/or sexual orientation is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district.

Because sexual harassment can occur staff to student, staff to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student or employee.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the district finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with all applicable Federal and State laws and regulations, collective bargaining agreement(s), and district policies.

All complainants and those who participate in the investigation of a complaint of sexual harassment, have the right to be free from retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

This policy shall be posted in a prominent place in each district facility and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

## **5030 STUDENT COMPLAINTS AND GRIEVANCES**

The Board of Education believes it is necessary that students be made aware of the behavior that is expected of them, as outlined in district policies on school conduct and discipline. They shall also be given an opportunity to be heard on complaints and grievances they may have.

A student filing a complaint or grievance alleging that there is an action affecting them which is prohibited by Title IX and/or Section 504 of the Rehabilitation Act or the Americans with Disabilities Act shall be provided with information regarding the prompt and equitable resolution of the complaint or grievance. Furthermore, a student shall have the right to present complaints and grievances in accordance with the procedure free from coercion, interference, restraint, discrimination or reprisal.

Building Principals are responsible for ensuring that appeal procedures are incorporated into discipline codes, explained to all students, and provided to all parents on an annual basis.

### **Annual Notification**

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination due to sex and/or disability to parents/guardians, employees, eligible students and the community. The public notice shall:

- 1) inform parents, employees, students and the community that vocational education programs are offered without regard to sex, race, color, national origin or disability;
- 2) provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination due to sex and/or disability;

## **DISCRIMINATION GRIEVANCE PROCEDURES**

### **Title IX (Gender Discrimination) Title VII (Civil Rights)**

#### ➤ **Level One Procedure**

1. Any *student or employee* of the Monticello Central School District who wishes to file a grievance (complaint) regarding discrimination shall make such a request in writing on forms available in any of the offices: Central Office, school offices, and Bus Garage office.
2. Said form should then be given to the Title VII & IX Compliance Officer, Dr. Kenneth W. Newman, Sr., Assistant Superintendent for Student Learning at 237 Forestburgh Road.
3. The *Compliance Officer* or her/his designee will then:
  - a) Investigate the circumstances of the complaint.
  - b) Render a decision and notify the Complainant.
  - c) Provide the Complainant time to react to the decision before it becomes final.
4. The *Complainant's* responsibilities will be:
  - a) Accept the decision, in writing, addressed to the Compliance Officer; or,
  - b) Disagree with the decision, in writing, addressed to the Compliance Officer.

#### ➤ **Level Two Procedure**

1. The *Compliance Officer* requests the Superintendent of Schools to review the complaint.
2. The *Superintendent* will schedule a meeting within receipt of the request for the review. The participants shall be the Complainant, the Compliance Officer, and the Superintendent.
3. The *Superintendent* will make a decision which shall be final.
4. The *Superintendent* will forward copies of the decision to the Complainant and the Compliance Officer.

➤ **Additional Optional Steps**

1. The ***Complainant*** may appeal the decision rendered by filing an appeal with:

The New York State Commissioner of Education  
New York State Education Department  
Washington Avenue  
Albany, New York 12234

2. The ***Complainant*** may also file a complaint with either or both of the agencies listed below. The complaint may be filed simultaneously through this agency's channels and the channels listed below.

- a) Federal Office for Civil Rights  
26 Federal Plaza  
New York, New York 10278

- b) New York State Division of Human Rights  
99 Washington Avenue  
Albany, New York 12210

➤ **Definitions**

1. **Grievance**: an issue that reaches Level One Procedure. This issue involves the violation, interpretation, or application of any article of Title VII or Part 86, Rules and Regulations, Title IX, (Federal Education Amendments of 1972 and/or Section 504 of the Rehabilitation Act of 1973).
2. **Student**: any person enrolled as a student in any school and/or educational or recreational program authorized by the school District.
3. **Employee**: any full-time or part-time teacher, secretary, clerk, custodian, cleaner, administrator, or other person receiving compensation for services rendered by the school District.
4. **Compliance Officer**: the person designated by the school District Board of Education to coordinate efforts to comply with laws and regulations related to either Title VII or Title IX.
5. **Superintendent**: the Superintendent of Schools or his/her designated representative.



*Monticello Central School District*

**COMPLAINT FORM**

**CIVIL RIGHTS ACT OF 1964 & (Title VII & Title IX)**

Name of Employee/Position: \_\_\_\_\_

School or Department: \_\_\_\_\_

Other Complainant: \_\_\_\_\_

Statement of Complaint:

Please include as much specific information as possible as to who, what, when, where.

\_\_\_\_\_  
Signature of the Employee/Complainant

\_\_\_\_\_  
Date Submitted

Please forward the information to the Compliance Officer(s):

Dr. Kenneth W. Newman, Sr.  
Assistant Superintendent for Student Learning  
237 Forestburgh Road  
Monticello, New York 12701

To arrange to meet with the Compliance Officer, Please call 794-7700, ext. 70928