



Monticello Central School District

237 Forestburgh Road, Monticello, NY 12701

Tel: 845-794-7700 Fax: 845-794-7710

Mrs. Tammy Mangus, Superintendent of Schools

Mrs. Stacey Sharoff, *President - Board of Education*

"Greater than the Average"

www.monticelloschools.net

DISCRIMINATION AND HARASSMENT GRIEVANCE PROCEDURE

Definitions:

Grievance: A complaint involving an alleged violation, interpretation, or application of any article of Part 86, Rules and Regulations, Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, Title VI and Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, as amended, and/or Section 504 of the Rehabilitation Act of 1973.

Student: Any person enrolled as a student in any school and/or educational or recreational program authorized by the School District.

Employee: Any full time or part-time teacher, secretary, clerk, custodian, cleaner, administrator, or other person receiving compensation for services rendered to the School District.

Compliance Officer: The person designated by the School District Board of Education to coordinate efforts to comply with Title VI, Title VII and Title IX Rules and Regulations, the Americans with Disabilities Act of 1990 and Section 504 of the Rehabilitation Act of 1973.

The District's current Compliance Officer is:

Dr. Paul Dorward
Assistant Superintendent for School Administration
237 Forestburgh Road
Monticello, New York 12701 845-794-7700
ext. 70928
pdorward@k12mcsd.net

Superintendent: The Superintendent of Schools or his/her designated representative.

Discrimination: Discrimination includes the use of race, color, weight, creed, national origin, religion, religious practice, ethnic group, political affiliation, gender (including gender identity, expression or nonconformity to gender stereotypes), sex, sexual orientation, age or disability as a basis for treating another in a negative manner.

Discrimination also encompasses harassment on any of the aforementioned bases (including sexual and gender based harassment, sexual assault and sexual violence), which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. 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 under New York law includes but is not limited to acts such as rape, sexual assault, sexual battery, and sexual coercion.

Level One (1) Procedure:

1. Student, Employee, and/or Third Party

a. Any student or employee in the School District, as well as any third party, who wishes to file a grievance (complaint) regarding discrimination (including, but not limited to, discrimination based on sex or gender, or harassment) is encouraged to make such a request in writing on forms available in any of the school offices. Such forms must be forwarded to the District's Compliance Officer. However, nothing herein shall prevent an individual from making a verbal complaint of discrimination.

2. Compliance Officer

a. The Compliance Officer shall initiate and coordinate a thorough and impartial investigation and shall review any evidence that has been presented by the grievant, the alleged offender and any of their witnesses and attempt to meet with the grievant, the alleged offender and any named witnesses. The Compliance Officer will also attempt to meet with any individual that the Compliance Officer believes will aid in the investigation.

b. Within sixty (60) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that by a preponderance of the evidence, discrimination based on the grievant membership in a protected category (including, but not limited to, gender or disability) has or has not occurred and shall inform the grievant and the alleged offender in writing of the outcome of the investigation. (Should the Compliance Officer be unable to render his/her decision in the specified amount of time, the Compliance Officer shall notify the grievant of such delay). In the event the Compliance Officer finds that there has been a violation, s/he shall propose a resolution of the complaint. Possible disciplinary sanctions for employees include counseling, suspension or termination, in accordance with all applicable laws and collective bargaining agreements. Possible disciplinary sanctions for students include detention, in or out of school suspension, or other penalties in accordance with the District's Code of Conduct.

3. Complaints of Sexual Harassment, Including Sexual Violence

a. In addition to the procedures above, the District will comply with any law enforcement requests for cooperation regarding investigations of sexual harassment, including sexual violence. Such cooperation may require the District to temporarily suspend the fact-finding aspect of a Title IX investigation while the law enforcement agency is in the process of gathering evidence. The District will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process.

b. During the investigation process, the District shall make available to the grievant information on obtaining counseling or other supports as needed. If the grievant is a student, the grievant should inform the District of any classes the grievant is taking with the alleged offender so that the District can address any issues that may result during the investigation. Such interim measures shall not disproportionately impact the grievant.

Level Two (2) Procedure:

If the grievant or alleged offender is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant or alleged offender may, within thirty (30) days after s/he has been notified of the Compliance Officer's findings and/or proposed resolution, file a written request for review by the Superintendent of Schools

The Superintendent of Schools may request that the grievant and the alleged offender, as well as the Compliance Officer, student, third party or any member of Monticello's staff present a written statement setting forth any information that such person has relative to the grievance and the facts surrounding it.

Within thirty (30) days from the date a review was requested, the Superintendent shall render his/her determination in writing. (Should the Superintendent be unable to render his/her decision in the specified amount of time, the Superintendent shall notify the grievant or alleged offender of such delay). Such determination shall include a finding that there has or has not been discrimination based on the grievant membership in a protected category, and/or a proposal for equitably resolving the grievance. The grievant and the alleged offender shall be informed of the outcome of the Superintendent's determination.

The District acknowledges that while it would like students and employees to raise issues of discrimination pursuant to this Regulation so that they can be addressed by it, any employee or student has the legal right to immediately make a complaint to the appropriate governmental entity.

An employee may file a complaint with the following agencies:

Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall Street, 5th Floor, New York, New York 10004; the New York State Division of Human Rights at 99 Washington Avenue, Albany, New York 12210; or the United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005.

A student may file a complaint with the following agencies:

United States Department of Education, Office for Civil Rights at 32 Old Slip, 26th Floor, New York, New York 10005.

Please take notice that the failure to file a complaint with these agencies within the statutory period may result in the loss of your legal rights.

Prevention and Correction:

The District will take all necessary steps to prevent discrimination and harassment in all forms. If the grievance process concludes in a finding of discrimination or harassment, the District will take all necessary steps to correct any discriminatory effects and prevent the reoccurrence of any discrimination or harassment.

Non-Retaliation:

The District prohibits any retaliatory behavior, including, but not limited to intimidation, reprisal, and harassment, directed against grievant and/or witnesses in an investigation pursuant to this grievance procedure. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that the grievant and/or witnesses have not suffered retaliation.

Confidentiality:

The confidentiality of investigations cannot be guaranteed, but a good faith effort shall be made to maintain confidentiality.

DISCRIMINATION AND HARASSMENT
GRIEVANCE FORM

Name of Complainant: _____

Student Employee Third Party

School or Department: _____

Statement of Complainant: _____

_____ (use
back for more room)

Solution Suggested by Complainant: _____

_____ (use
back for more room)

Signature of Student/Employee/Third Party

Date Submitted

PLEASE FORWARD TO THE COMPLIANCE OFFICER

Nondiscrimination Statement

The Monticello Central School District offers employment and educational opportunities, including vocational education opportunities, without regard to race, color, national origin, creed, religion, marital status, sex, age, disability, or other protected categories under state and federal law and provides equal access under the Boy Scouts of America Equal Access Act. Grievance procedures are available to interested persons.

Inquiries regarding this nondiscrimination policy may be directed to Kimberly Patterson, Interim Assistant Superintendent for School Administration, 237 Forestburgh Road, Monticello, NY 12701, via telephone at (845)794-7700, ext. 70928, or via email at kpatterson@k12mcsd.net. In addition, inquiries on the bases listed above may be made to the United States Department of Education, Office for Civil Rights, 32 Old Slip, 26th Floor, New York, NY 10005, (646) 428-3800, ocr.newyork@ed.gov.