



# *Policy #3420*

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## *Community Relations*

### **SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT**

The District is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered illegally harassing, coercive or disruptive. Discrimination or harassment based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a recognized guide dog, hearing dog or service dog, an employee's or an employee's dependent's reproductive health decision making or any other characteristic or basis protected by applicable law is strictly prohibited and will not be sanctioned or tolerated. The Board further recognizes that preventing and remedying illegal harassment and discrimination is essential to ensure a nondiscriminatory environment in which employees can work productively.

The District will not discriminate or take any adverse employment action against an employee on the basis of that employee's, or his/her dependent's, reproductive health decision making (including, but not limited to, a decision to use or access a particular drug, device or medical service). In addition, the District is prohibited from accessing personal information regarding an employee or his/her dependents' reproductive health decision making without the employee's prior written consent. The District will also refrain from requiring any employee to sign any document that might deny him/her the right to make his/her own reproductive health care decisions. Pursuant to N.Y. Labor Law § 203-e, an employee who feels that his/her rights in this regard have been violated may bring a civil action in court and can seek remedies including an award of damages, injunctive relief, reinstatement and/or liquidated damages.

This policy prohibits unlawful workplace discrimination and harassment based upon any characteristic or status protected by applicable law other than sexual harassment (including sexual orientation, gender identity, gender expression and the status of being transgender). Complaints or concerns about workplace sexual harassment are addressed separately in the District's Policy Against Workplace Sexual Harassment (Policy 612I).

#### **Prohibited Conduct**

Harassment on the basis of any protected characteristic is strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, national origin, creed, age, genetic information, 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. 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



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interfering with an individual's work performance; or otherwise adversely affects an individual's employment. This prohibition extends to conduct by school employees, officers, board members, volunteers, students and non-employees such as agents, contractors and vendors, which occurs on school grounds or at school-sponsored events, programs or activities, including those that take place at locations off school premises or in another state.

Harassing conduct 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.

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or bases protected by applicable law or this Policy.

### **Complaint Procedure**

Any employee who believes that he or she has been subjected to prohibited harassment or discrimination or who has witnessed anyone engaging in prohibited harassment or discrimination should immediately contact a Compliance Officer. If the complaint involves or the employee is hesitant to bring the matter to the attention of a Compliance Officer, a report can be made to the Superintendent of Schools. If the complaint involves or the employee is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education.

The contact information for the District's Compliance Officer(s), Superintendent of Schools and Board of Education President are listed on the District's website and will be distributed to all employees each school year.

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

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



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- An employee who raises a question or concern regarding harassment or discrimination should be encouraged to file a written complaint with a Compliance Officer. A form for filing the complaint is attached to this Policy. If the complaint involves or if the employee is hesitant to file the complaint with a Compliance Officer, the employee should file the complaint directly with the Superintendent of Schools. If the employee's complaint involves or the employee is hesitant to report to the Superintendent of Schools, the employee should file a complaint with the President of the Board of Education.
- In the event that a supervisor becomes aware of an occurrence of harassment or discrimination, but discovers that no complaint has been filed by the affected employee or that the employee is unwilling to file a complaint, the supervisor must immediately notify a Compliance Officer.
- All complaints about suspected harassment or discrimination will be investigated, whether that information was reported in oral or written form.
- All complaints of harassment or discrimination will be investigated by the Compliance Officer, or a designee of the Compliance Officer, Superintendent of Schools or the Board of Education (which may include a third party). The investigation 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 investigator will report the findings to the Superintendent of Schools or, if the complaint involves the Superintendent of Schools, to the Board President. If it is found that prohibited harassment or discrimination has, in fact, occurred, appropriate corrective action will be taken.

Where appropriate, the affected employee and the accused will be separately advised by the investigator as to the final disposition of the investigation.

- All investigations will be conducted in a prompt, thorough and impartial manner.

**Confidentiality**



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

**Retaliation is Prohibited**

Any act of retaliation against anyone who, in good faith, reports an incident of harassment or discrimination, or provides information or assists in an investigation of suspected harassment or discrimination as a witness or otherwise is prohibited and will not be tolerated.

For purposes of this Policy, retaliation includes, but is not limited to: adverse employment action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*), verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Anyone who retaliates against another in violation of this Policy is subject to appropriate corrective action including, but not limited to, disciplinary action, as warranted, in accordance with District policy, the District's Code of Conduct, and applicable laws, regulations and contractual provisions. Any individual who believes that he or she has been subjected to any acts of retaliation should immediately report that conduct to a Compliance Officer. If the complaint involves or the individual is hesitant to bring the matter to the attention of a Compliance Officer, the report should be made to the Superintendent of Schools. If the complaint involves or the individual is hesitant to bring the matter to the attention of the Superintendent of Schools, the report should be made to the President of the Board of Education.

**Interim Measures**

If the complainant reports that (s)he feels unsafe at work due to the nature of the complaint, the District will determine if interim measures or accommodations need to be made pending the investigation and resolution of the complaint.

**Corrective Action**

If, after appropriate investigation, the District finds that there has been prohibited harassment, discrimination or retaliation in violation of this Policy or law, appropriate corrective action will be taken



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in accordance with an applicable collective bargaining or other agreement, District policy, the District's Code of Conduct and applicable laws and regulations.

If the accused is an employee, consequences may include, but are not limited to, disciplinary action up to, and including, termination of employment. If the accused is not a District employee, consequences may include, but are not limited to, termination of any contractual or other relationship between the District and the individual. If the accused is a student, appropriate disciplinary measures may be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

**Bad Faith Claims**

If, after investigating a complaint of harassment or discrimination, it is determined that an individual has intentionally made a claim of harassment or discrimination in bad faith, or intentionally provided false information regarding a harassment, discrimination or retaliation complaint, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that individual.

**Regulations**

The Superintendent of Schools may develop and implement regulations regarding allegations of harassment or discrimination.

**Dissemination and Training**

This Policy will be available in each District facility, on the District's website, in employee handbooks and will also be published annually in appropriate school publications. All new employees will receive information about this Policy at new employee orientation. All other employees will be provided information at least once a year regarding this Policy. The District's employees will be required to annually acknowledge receipt of this Policy.

The District's employees will be trained annually with regard to their rights and obligations pursuant to this Policy.



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**Review and Revision of Policy**

A review of this Policy will be conducted periodically to consider its effectiveness and compliance with applicable State and federal law. Revisions will be recommended to the Board when appropriate.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section

1681 et seq. Prohibits discrimination on the basis of sex. Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Civil Service Law Section 75-B

Education Law Section 2801(1)

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, disability, predisposing genetic characteristics, familial status, military status, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status. Military Law Sections 242 and 243

Re-Adopted: February 13, 2013 Revised: February 3, 2016

Revised: November 2, 2016

Revised: October 17, 2018

Revised: February 5, 2020

**Re-Adopted: July 5, 2022**



**WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM**

Use this form to file an internal claim of workplace discrimination or harassment (other than sexual harassment, which should be filed in accordance with Policy 6121), including hostile work environment, based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a recognized guide dog, hearing dog or service dog, an employee's or an employee's dependent's reproductive health decision making 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"/> RELIGION       | <input type="checkbox"/> DISABILITY             |
| <input type="checkbox"/> COLOR | <input type="checkbox"/> MARITAL STATUS | <input type="checkbox"/> PREGNANCY OR PREGNANCY |

**RELATED**

- |  |  |                                      |
|--|--|--------------------------------------|
| <input type="checkbox"/> NATIONAL ORIGIN | <input type="checkbox"/> FAMILIAL STATUS     | <input type="checkbox"/> ARREST (Not |
| <input type="checkbox"/> CREED           | <input type="checkbox"/> DOMESTIC VIOLENCE   | <input type="checkbox"/> CRIMINAL    |
| <input type="checkbox"/> AGE             | <input type="checkbox"/> VICTIM STATUS       | <input type="checkbox"/> MILITARY    |
| <input type="checkbox"/> VETERAN STATUS  | <input type="checkbox"/> GENETIC INFORMATION |                                      |

OTHER (explain)

\_\_\_\_\_





**WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM**

**(Cont'd.)**

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





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