

EQUAL OPPORTUNITY AND PROHIBITION OF DISCRIMINATION, BULLYING
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I. Statement of Policy

- A. The New Hartford Central School District (the District) provides education programs and services, does business with vendors and the public, provides equal access to groups designated by federal and state law, and makes decisions regarding employment without consideration of an individual's race (including but not limited to hair texture and protective hairstyles), color, creed, religion, national origin (regardless of English language skills), citizenship, immigration status, age, sex (including gender, gender identity, and sexual orientation), marital status, familial status, military or veteran status, disability, predisposing genetic characteristics, status as a victim of domestic violence, pregnancy-related condition, favorably resolved arrest record, or conviction record, except when sex or age are a bona fide occupational qualification, when a criminal conviction is related to job duties, or when an individual's religion or disability warrants reasonable accommodation.
- B. Our commitment to providing education programs and services without discrimination includes participation in nonacademic and extracurricular services such as transportation, counseling services, student clubs, and physical education and athletics.
- C. Our commitment to providing employment without harassment, including sexual harassment, discrimination includes recruiting, employment decisions, promotion opportunities, compensation, fringe benefits, workplace conditions, workplace discipline, and termination decisions.
- D. No student shall be subjected to harassment or bullying (as defined below) by employees or students on school property or at a school function. No student shall be subjected to discrimination based on a person's actual or perceived race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, citizenship, immigration status, status as a victim of domestic violence, pregnancy-related condition, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex by another student or a school employee on school property or at a school function. This Policy does not prohibit denial of admission into, or exclusion from, a course of instruction that is permissible under the New York State Education Law and Federal Title IX of the Education Amendments of 1972; nor does it prohibit actions that are permissible under Section 504 of the Rehabilitation Act of 1973.
- E. The goal of this Policy is to create a school environment that is free from harassment, bullying, and discrimination. This Policy shall be interpreted and implemented so that the District complies with its obligations under Titles VI and VII of the Civil

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Rights Act of 1964, the Americans with Disabilities Act, the Age Discrimination in Employment Act, Section 201-g of the New York Labor Law, Section 504 of the Rehabilitation Act of 1973, the New York State Human Rights Law, and the New York State Education Law, as interpreted and enforced by applicable regulations.

- F. Complaints of sexual harassment, retaliation, or other unlawful harassment or discrimination in the workplace or educational setting may be investigated and acted upon under this or another applicable District policy. These policies include but are not limited to: Equal Opportunity, Dignity for All Students Act (DASA), Title IX, Sexual Harassment in the Workplace, the Code of Conduct, and any other applicable/relevant District policy.

II. Opportunities for Individuals with Disabilities

- A. Education Programs, Services, and Activities: A student with a disabling condition who qualifies for services under the Individuals with Disabilities Education Act (IDEA) and Part 200 of the Regulations of the Commissioner of Education shall receive services in accordance with the Special Education Policy. A student with a condition that is considered a disability for purposes of Section 504 of the Rehabilitation Act of 1973, but does not qualify for services under the IDEA, shall be provided educational programs, services, and activities in accordance with Section 504.
- B. Employment: An employee who has a condition that is defined as a disability, or with a history of such a condition, and who is otherwise qualified to perform the essential functions of the position, shall not be denied any employment opportunity or benefit. When a reasonable accommodation will permit an applicant or employee to perform the essential functions of the position, the District will provide a reasonable accommodation that does not impose an undue burden upon the District.
- C. Public Accommodation: District facilities shall be designed, constructed, and maintained so that, when each part of the District's program is viewed in its entirety, that part of the program is readily accessible to handicapped persons. In addition to physical facilities, the District website and other public-facing communication channels shall be designed and implemented to be accessible to all members of the public; provided that proposed accessibility measures do not fundamentally alter the features of the website or other communication channels, and do not result in an undue financial or administrative burden to the District. The District shall not assume responsibility for the operation, content, or accessibility of third-party sites that may be accessed from a link on the District's website or other communication channels. Persons encountering difficulty accessing any District program or service, including physical facilities or digital communication channels, are encouraged to use the complaint process in this Policy to seek resolution of the problem.

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III. Harassment, Bullying, and Discrimination Prohibited:

A. General Standard of Conduct

No one who is receiving an education from the District, or who is employed by the District, or is present on school property or at a school event, should experience harassment, bullying, or discrimination. The District's Code of Conduct prohibits harassment, bullying and discrimination. The Code of Conduct applies to conduct by District employees, District students, and anyone else on school property or at a school event.

When determining whether particular conduct or statements are to be classified as prohibited harassment, the determining factor will be whether the person at whom the conduct or statement was directed reasonably experienced the conduct or statement as unwelcome harassment, not the intent of the person engaging in the conduct or making the statement.

B. Conduct Directed at a Student

Conduct (including verbal conduct) directed at a student will be classified as harassment or bullying if it either:

1. Creates a hostile environment that has or would have the effect of unreasonably and substantially interfering with
 - a. the student's educational performance, opportunities, or benefits, or
 - b. the student's physical, emotional, or mental well-being, or
 - c. causes, or would reasonably be expected to cause, harm to the student's emotional well-being through the creation of a hostile school environment that is so severe, or so pervasive, that it substantially and unreasonably interferes with the student's education.
2. Conduct that occurs off school property will be classified as a violation of this Policy if it creates, or foreseeably would create, a risk of substantial disruption within the school environment.
3. Conduct that occurs through electronic communication will be classified as a violation of this Policy if it otherwise fits the definition set forth in this section.

C. Conduct Directed at Someone Other than a Student

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Conduct (including verbal conduct) directed at someone other than a student who is present on school property or at a school event will be classified as discrimination or harassment if it is motivated by that person's race (including but not limited to hair texture and protective hairstyles), color, creed, religion, national origin, citizenship, immigration status, age, sex (including gender, gender identity, and sexual orientation), marital status, familial status, military or veteran status, disability, predisposing genetic characteristics, status as a victim of domestic violence, pregnancy-related condition, favorably resolved arrest record, or conviction record, and

1. It has the purpose or the effect of substantially interfering with the person's work performance; or
 2. The person is explicitly or implicitly told that they must submit to that treatment in order to receive or continue to receive employment opportunities; or
 3. A decision by the District about that person's employment is influenced by whether that person has submitted to the treatment or objected to it.
- D. Also prohibited is the making of unwanted sexual advances, the making of any requests for sexual favors, and subjecting another person to any touching, teasing or other verbal communication of a sexual nature. The following describes some of the types of acts that may be unlawful sexual harassment:
1. Physical assaults of a sexual nature, such as:
 - a. Rape, sexual battery, molestation, or attempts to commit these assaults; or
 - b. Intentional or unintentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against another employee's body, or poking another employee's body.
 2. Unwanted sexual advances, propositions or other sexual comments, such as:
 - a. Requests for sexual favors accompanied by implied or overt threats concerning the victim's job performance evaluation, a promotion, or other job benefits or detriments;
 - b. Subtle or obvious pressure for unwelcome sexual activities; or

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- c. Sexually oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience which are sufficiently severe or pervasive to create a hostile work environment.
 - 3. Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic.
 - E. Anyone who feels that they have experienced prohibited discrimination or harassment should bring this to the District's attention by using the Complaint Procedure described below. Administrators and other supervisors who observe conduct that might constitute harassment, including sexual harassment, are required to report that conduct to the Compliance and Title IX Coordinator.
 - F. An employee, including supervisors and managers, who subject another employee to harassment, including sexual harassment, will be subject to disciplinary consequences, consistent with applicable laws and collective bargaining agreements.
 - G. Conduct that occurs away from school property, such as on social media or at after-hours events, may violate this policy if it has a prohibited workplace impact.
 - H. Allegations of sexual harassment and discrimination will be investigated pursuant to Policy 8107, this Policy, and any other applicable policy or law that prohibits such conduct in the workplace or educational setting.
- IV. Strategy to Prevent Harassment, Bullying, and Discrimination
- With the objective of preventing acts of harassment, bullying, or discrimination from interfering with any student's educational opportunities or sense of safety in school, the District will implement the procedures described in this Policy to:
- A. Expand student and employee awareness of the problem;
 - B. Train staff and instruct students about appropriate, non-discriminatory behavior;
 - C. Respond to reports of conduct that may violate this Policy; and
 - D. Implement corrective and restorative measures as appropriate, when unacceptable conduct occurs.
- V. Compliance Coordinator(s):

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- A. The District's Compliance Coordinators for purposes of implementing this Policy shall be:

Assistant Superintendent for Curriculum and Instruction
Title IX Coordinator
New Hartford Central School District
33 Oxford Rd.
New Hartford, NY 13413
Telephone: (315) 624-1274

Director of Special Education
Medicaid & 504 Compliance Coordinator
New Hartford Central School District
Orchard Hill
33 Oxford Rd.
New Hartford, NY 13413
Telephone: (315) 624-1313

Director of Facilities
ADA Compliance Coordinator
33 Oxford Road
New Hartford, NY 13413
Telephone: (315) 624-1233

Labor Relations Associate
Title VI, Title VII & Title IX Coordinator
33 Oxford Road
New Hartford, NY 13413
Telephone: (315) 624-1019

The Compliance Coordinator is responsible for receiving complaints of conduct that may violate this Policy, Title VI, the Age Discrimination in Employment Act, §201-g of NYS Labor Law, NYS Human Rights Law, or Section 504 of the Americans with Disabilities Act; directing a thorough fact finding regarding those complaints; making a determination whether a violation of the Policy and federal law has occurred; overseeing the implementation of corrective action when necessary, including the making of reasonable accommodations for student or employee disabilities; ensuring that this Policy is publicized as required by law; keeping records of all reports of possible discrimination based on sex, race (including but, national origin, or disability; and making recommendations for the updating of this Policy as necessary.

The Compliance Coordinator is responsible for fulfilling these responsibilities whether the incidents ~~involving~~ involve adult conduct directed at other adults, adult conduct directed at students, and student conduct directed at other students.

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- B. The names and contact information for the DASA Coordinators of each school building shall be included in the Code of Conduct and prominently displayed in each building. The DASA Coordinators are responsible for receiving complaints of conduct directed at students by adults or other students that may be harassment, bullying, or discrimination as described in Part I-D and Part III of this Policy; conducting a thorough fact-finding regarding those complaints; determining whether a violation of this Policy has occurred; overseeing the implementation of corrective action when required; and keeping accurate records of complaints received and action taken, as required by the State Education Department. The DASA Coordinators serve as the Superintendent's designee for purposes of Article 2-A of the Education Law (DASA).
- C. The Compliance, Title IX, and DASA Coordinators shall promptly inform each other of complaints that involve conduct that may violate these other District policies, for further review and investigation, if required.
- D. When there is a complaint of possible discrimination by a Compliance Coordinator, or a DASA Coordinator, the Superintendent shall designate another school official to conduct the necessary fact-finding and make recommendations.

VI. Complaint and Fact-finding Procedure:

- A. Report of Possible Harassment, Bullying or Discrimination: The Superintendent or their designee shall create a Report of Possible Discrimination, Bullying or Harassment and ~~the~~ a DASA Incident Reporting Form in consultation with the Compliance Coordinator. The Compliance Coordinators and DASA Coordinators shall make sure that these forms are available in each school building, and that their availability is known to those who may need to use them. The use of these forms is encouraged, but not required. The Compliance Coordinators or DASA Coordinators shall conduct a fact-finding inquiry anytime a written or oral report is received that contains enough information to reasonably investigate is received.
 - 1. An employee or other adult may report possible discrimination or harassment directed at them or another employee or other adult to the employee's supervisor or directly to the Compliance Coordinator. If the report is about conduct by the Compliance Coordinator, the report may be made to the Superintendent. If an employee makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form.
 - 2. A student may report possible harassment, bullying or discrimination directed at them or another student to any teacher, counselor, or school administrator. If a student makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form. The person to whom the report

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is made is also responsible for reporting in writing their conversation and other available information to the DASA Coordinator or Compliance Coordinator. School staff shall be trained on how to receive and refer student complaints.

3. A parent/person in parental relation, school volunteer, or other member of the public who wishes to report possible harassment, bullying, or discrimination against a student shall make the report to the Superintendent, the Compliance Coordinator, a DASA Coordinator, or any administrator or teacher. If a verbal report is made, a written report shall be requested. The person to whom the report is made is also responsible for reporting in writing their conversation and other information to the Compliance Coordinator.
 4. District employees who either witness conduct directed at a student that may be harassment, bullying, or discrimination, or receive an oral or written report of such conduct, must report that to a DASA Coordinator. The employee must make an oral report to the DASA Coordinator within one (1) school day, followed by a written report to a DASA Coordinator no more than two (2) school days after their oral report.
- B. Fact-finding Inquiry: Upon receiving a written report of possible harassment, bullying, or discrimination, the Compliance Coordinator or DASA Coordinator shall log the report, acknowledge in writing its receipt, and conduct a fact-finding inquiry designed to determine with a reasonable degree of probability what actually transpired.

While the specific process may vary from case to case, upon receipt of a complaint, the District Compliance Coordinator(s) will:

1. Conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take interim action (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate.
2. If complaint is verbal, a request to the Complainant will be made to complete the written complaint form. If the Complainant does not wish to do so, the District Compliance Coordinator(s) prepare a complaint form or equivalent documentation based on the verbal reporting;
3. Take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The Compliance Coordinator or designee will

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consider and implement appropriate document request, review, and preservation measures, including for electronic communications;

4. Seek to interview all parties involved, including any relevant witnesses;
 5. Create a written documentation of the investigation which contains the following:
 - a. A list of all documents reviewed and a detailed summary of relevant documents;
 - b. A list of names of those interviewed with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any remedial measures and/or corrective action(s).
 6. Keep the written documentation and associated documents in a secure and confidential location;
 7. Promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
 8. Inform the complainant of the right to file an external complaint (outside of the District) as outlined later in this Policy.
- C. Resolution: The Compliance Coordinator or DASA Coordinator shall prepare a written fact-finding report describing what investigation was done, what conclusions have been drawn about what happened, a conclusion as to whether the conduct violated the District's Policy, and, if it did, what corrective action should be taken.
1. If the determination is that this Policy has not been violated, the person who made the report, and each person whose conduct was challenged, shall be told of that determination in writing or by email. The person who made the report shall be informed of the option to have the determination reviewed.
 2. If the determination is that this Policy has been violated, the person who made the report of possible discrimination shall be told of that determination in writing or by email, consistent with the confidentiality accorded to student and personnel records, told that appropriate corrective action has been taken to deter any repetition of the offending conduct. The person whose conduct

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violated the Policy shall have that explained to them, shall be told of the corrective action being taken by the District, and shall be told of the option to have the determination reviewed.

3. When the Compliance Coordinator or DASA Coordinator verifies the occurrence of harassment, bullying, or discrimination directed at a student, the school shall take prompt action that is consistent with the District's Code of Conduct and is reasonably calculated to end the harassment, bullying, or discrimination to eliminate any hostile environment; to create a more positive school culture and climate; to prevent a recurrence of the behavior; and to ensure the safety of the student(s) at whom the conduct was directed.
 - a. Responsive actions shall be measured, balanced, and age-appropriate.
 - b. Responsive actions shall follow a progressive model and make appropriate use of intervention, education, and discipline.
 - c. Responsive actions shall vary according to the nature of the offending behavior, the developmental age of the person engaging in the behavior, and the prior history of problem behaviors by the person engaging in the conduct.
- D. Report to Law Enforcement Agency: When a DASA Coordinator believes that conduct has occurred that constitutes criminal conduct, the Coordinator shall promptly notify the Superintendent, and the Superintendent shall promptly notify the appropriate law enforcement agency.
- E. Confidentiality: It shall be explained to anyone making a report or providing information about a report that the District does not reveal information about reports or the fact-finding process except to the extent necessary to fulfill its legal obligations to make as complete an inquiry as possible and to take appropriate corrective action when discrimination has occurred. Every witness interviewed during the fact-finding inquiry shall be instructed not to discuss the complaint or the investigation with anyone else, except as may be privileged by law.
- F. Special Fact-finder: The Superintendent is authorized to appoint a special fact-finder to carry out the responsibilities of the Compliance Coordinator or DASA Coordinator when the Superintendent concludes that the circumstances of a particular report warrant that action, and the special fact-finder shall fulfill the responsibilities of the Compliance Coordinator described in this policy.
- G. Immediate Corrective Action: The Superintendent has discretion to implement immediate corrective action, pending the completion of a fact-finding inquiry, to

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protect an individual when the Superintendent concludes that the circumstances of a particular report warrant that action.

H. Review of Coordinator's Determination:

1. If a party is not satisfied with the determination of the Compliance Coordinator or other designated investigator they may request a review by the Superintendent or their designee.
2. A request for review by the Superintendent must be made in writing and filed with the Superintendent's office within fourteen (14) calendar days of receiving the written notice of the determination. The person requesting review shall provide a written explanation of their objection(s) to the determination, including the corrective action taken if any. The person requesting review shall limit their submission to their written statements.
3. The Superintendent will provide the person appealing with a written verification of receipt, the name of the person reviewing the appeal, and an anticipated decision date.

I. Retaliation is Prohibited

No employee or student shall take a retaliatory action, or request or cause anyone else to take a retaliatory action, against any person who, in good faith, reports information about a possible violation of this Policy to a District employee or to the Commissioner of Education or to a law enforcement agency, or who initiates a report, or encourages another person to initiate a report, or testifies or assists or participates in the investigation of a report, or complaint by the District or a governmental agency.

VII. Remedial Measures When This Policy is Violated:

- A. An employee found to have engaged in prohibited harassment or discrimination against another person (whether a District employee, District student, or member of the public) in the course of their employment will be subject to discipline, up to and including termination. Such decisions will be made and implemented in accordance with other District policies (e.g. the Code of Conduct) and applicable statutes and collective bargaining agreements.
- B. A student found to have engaged in prohibited harassment, bullying or discrimination against another person (whether a District employee, District student, or member of the public) while participating in a school activity or on school property will be subject to discipline. Such decisions will be made and implemented in accordance

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with other District policies (e.g. the Code of Conduct), the New York State Education Law, and any other applicable statutes.

- C. Any other person found to have engaged in prohibited harassment or discrimination against another person (whether a District employee, District student, or member of the public) while participating in a school activity or on school property may have their future access to school activities limited, as deemed appropriate under the circumstances.

VIII. Dignity Act Coordinators

- A. The Board appoints at least one staff member at each school to serve as the Dignity Act Coordinator for that school, upon the recommendation of the Superintendent. Each person designated for this role shall be instructed in the provisions of Article 2-A of the Education Law and thoroughly trained in methods to respond to human relations in the areas of race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, citizenship, immigration status, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex.
- B. The name and contact information for each Dignity Act Coordinator shall be publicized as follows:
 - 1. listing such information in the Code of Conduct posted on the District's website;
 - 2. including such information in the plain language summary of the Code of Conduct provided to all persons in parental relation to students before the beginning of each school year;
 - 3. including such information in at least one mailing per school year to parents and persons in parental relation, and in additional mailings if the information changes;
 - 4. posting such information in a highly visible location in each school building; and
 - 5. making such information available at the District office and each school building office.

The publication of this information shall also inform students and persons in parental relation to students that the Dignity Act Coordinator is available to speak with them if they have witnessed possible discrimination or harassment or bullying, or if they have

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experienced treatment that may be prohibited discrimination or harassment or bullying.

- C. In the event a designated Dignity Act Coordinator vacates that position, the Superintendent shall immediately designate an interim Coordinator pending appointment by the Board. In the event that a Coordinator is unable to perform the duties of the position for an extended period of time, another staff member shall be immediately designated by the Superintendent as an interim Coordinator pending return of the previous Coordinator to the position. Contact information for the new Coordinator shall be distributed as provided above.

IX. Training and Publication of Policy:

- A. All District employees will be provided with a copy of this Policy. Online access to a printable copy of this Policy will satisfy this requirement.
- B. All students and their families will be notified at the beginning of the school year, or at the time of enrollment, of this Policy, the conduct expectations established by it, and how they may request accommodation of a disability or initiate a complaint, or report possible discrimination, harassment or bullying.
- C. A summary of this Policy shall be posted as part of the District's website, and shall be distributed periodically with District publications.
- D. The Superintendent shall ensure that all District employees receive training designed to meet the following objectives each year in an interactive format:
 - 1. discourage the development of harassment, bullying, and discrimination;
 - 2. make employees aware of the effects on students of harassment, bullying, and discrimination;
 - 3. raise the awareness and sensitivity of employees to potential harassment, bullying, and discrimination;
 - 4. enable employees to prevent harassment, bullying, and discrimination;
 - 5. enable employees to respond to harassment, bullying, and discrimination;
 - 6. inform employees about social patterns of harassment, bullying, and discrimination, including that based on a person's actual or perceived race (including but not limited to hair texture and protective hairstyles), color, weight, national origin, citizenship, immigration status, ethnic group, religion,

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religious practice, disability, sexual orientation, gender (including gender identity or expression), or sex; and

7. strategies for effectively addressing the problems of exclusion, bias, and aggression in an educational setting.

E. The Superintendent shall develop and implement guidelines:

1. for the development of nondiscriminatory instructional and counseling methods to be used by District staff;
2. for the development of measured, balanced and age-appropriate responses to instances of harassment, bullying and discrimination by students, with remedies and procedures following a progressive mode that make appropriate use of intervention, discipline and education, vary in method according to the nature of the behavior, the developmental age of the student and the student's history or problem behaviors, and are consistent with the Code of Conduct; and
3. include safe and supportive school climate concepts in curriculum and classroom management.

F. The District shall develop and implement a program of instruction in grades Kindergarten through Grade 12 to include a component on civility, citizenship and character education in accordance with Education Law.

1. Such components shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community.
2. Instruction on the principle of respect for others shall discourage acts of harassment, bullying, and discrimination.
3. Instruction on the principle of tolerance, respect for others, and dignity shall seek to instill an awareness and sensitivity to harassment, bullying, discrimination, and civility in the relations of people of different races (including but not limited to hair texture and protective hairstyles), weights, national origins, citizenship, immigration status, ethnic groups, religious, religious practices, mental or physical disabilities, sexual orientation, genders (including gender identity or expression) and sexes.
4. This shall include instruction about safe and responsible use of the internet and electronic communications.

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X. Legal Protections and External Remedies

- A. In addition to this and other Policies, District employees and other persons visiting or doing business with the District are protected from discrimination and harassment, including sexual harassment, by New York State and federal law. There also may be applicable local laws.
- B. The New York State Human Rights Law prohibits discrimination in employment and public accommodations, including sexual harassment. Your rights can be enforced by a complaint filed with the New York State Division of Human Rights or by filing a complaint in the New York State Supreme Court.
 - 1. You may learn more about your rights under the Human Rights Law by calling the Division's toll-free telephone number (888-392-3644) or visiting the Division's website (www.dhr.ny.gov). DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Contact the Division via TDD/TTY at 718-741-8300.
 - 2. Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.
 - 3. Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint or access a form at <https://dhr.ny.gov/complaint>. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.
 - 4. You may file a complaint with the Division within three (3) years of the event you feel was harassment. You do not need a lawyer to file a complaint with the Division and there is no cost to do so. The Division will investigate your complaint and make a determination whether there is probable cause to believe sexual harassment occurred. Probable cause cases receive a public hearing before an administrative law judge. The Division will provide an attorney. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.
 - 5. An individual may not file with DHR if they have already filed a HRL complaint in state court.

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- C. Federal laws, including Title VII of the Civil Rights Act of 1964, also prohibit discrimination in employment and public accommodation, including sexual harassment. Your rights can be enforced by filing a charge of discrimination with the United States Equal Employment Opportunity Commission (EEOC).
1. You may file a charge with the EEOC within three hundred (300) days of the most recent event you feel was harassment or discrimination. You do not need a lawyer to file a charge with the EEOC.
 2. An employee alleging discrimination at work can file a “Charge of Discrimination.” A form is available at <https://www.eeoc.gov/filing-charge-discrimination>
 3. The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at <https://www.eeoc.gov> or via email at info@eeoc.gov.
 4. The EEOC will investigate your charge. If it determines there is reasonable cause to believe that unlawful discrimination occurred, the EEOC will attempt to obtain a remedy on your behalf through a conciliation process. If that is not successful, the EEOC (or Department of Justice in some cases), will decide whether to file a lawsuit. If they decide not to sue, you will be given a Notice of Right to Sue permitting an employee to file a lawsuit in federal court.
 5. If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.
- D. You may start a lawsuit in the state Supreme Court within three (3) years of the event you feel was harassment. You can start a lawsuit yourself (pro se), but it is recommended that you retain a lawyer who is familiar with court procedures.
- E. Many localities enforce laws protecting individuals from sexual harassment and discrimination. Contact the county, city, or town of residence to find out if such a law exists.
- F. Local Police Department: If the harassment involves unwanted physical touching or contact, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

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EQUAL OPPORTUNITY AND PROHIBITION OF DISCRIMINATION, BULLYING AND HARASSMENT

New Hartford Central School District

Legal Ref: Title IX, Education Amendments of 1972 (20 USC 1681, 45 CFR Part 86); Section 504, Rehabilitation Act of 1973 (29 USC 794, 45 CFR Part 84); 28 CFR 35.107(b); 34 CFR 104.7(b) 106.8(b), 106.9; NYS Human Rights Law, (Article 15, NYS Executive Laws); 8 NYCRR 100.4, 135.4, 141.1 and 200; Civil Rights Act of 1964, Title VI and VII (42 USC 2000d and 2000e); NYS Education Law Article 2-A and §§3201,3201-a; Americans with Disabilities Act of 1990 (42 USC 12101-12213, 29 CFR Part 1630); Age Discrimination in Employment Act (29 USC 621-634); EEOC guidelines (29 CFR Part 1609.1 and 1609.2); Executive Law §297.5, and NYS Labor Law §201-g.

Cross Ref: 0014, Title IX Grievance Process; 1010, Code of Conduct; 8010, Prohibition so Sexual Harassment in Employment; 8202, Accommodating Employees Need to Express Breast Milk

Adopted: 07/05/94

Revised: 06/18/02, 04/22/03, 05/02/06, 02/24/09, 08/14/12, 10/15/13, 07/06/16, 10/16/18, 09/20/22, 09/12/23, 09/09/25