

POLICY

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Orleans/Niagara BOCES

Subject: Harassment of Students or Employees on the Basis of Race, Color, Religion or Creed, Age, National Origin, Marital Status or Disability

I. General Statement of Policy

The Board of Education is committed to safeguarding the rights of all students and employees of the BOCES to work and learn in an environment that is free from discrimination or harassment on the basis of race, color, religion or creed, age, national origin, marital status or disability.

II. Harassment Defined

Harassment on the basis of race, color, religion or creed, age, national origin, marital status or disability is recognized in two different forms:

1. When an authority figure of the BOCES, acting within the scope of official duties, treats a student or employee differently than other students or employees solely on the basis of race, color, religion or creed, age, national origin, marital status or disability.
2. When harassing conduct has the purpose or effect of creating an intimidating, hostile or offensive working or learning environment.

III. Reporting Procedure

The BOCES will investigate all complaints of harassment, formal or informal, verbal or written, and will take appropriate action against any employee or student who is determined to have harassed a student or employee of the District.

Any person who believes he or she has been the victim of harassment should report the alleged acts immediately to an appropriate District official designated by this Policy. The District encourages the reporting party or complainant to use the report form available from the administrator or supervisor of each building or program, or from the District office. Staff members who witness or learn of any incident or series of incidents which may constitute harassment of a student have a duty to report such incident(s) in accordance with this Policy.

A. In Each School Building: The BOCES building supervisor or administrator, or BOCES program supervisor or administrator, is responsible for receiving oral or written reports of harassment at the building level. Upon receipt of a report, the supervisor or administrator must notify the District Human Rights Officer immediately without screening or investigating the report. A written report will be forwarded promptly to the Human Rights Officer. If the report was given verbally, then the administrator or supervisor shall reduce it to written form within 24 hours and forward it to the Human Rights Officer. If the complaint involves the administrator or supervisor, then the complaint shall be filed directly with the District Human Rights Officer.

B. District-Wide: The Human Rights Officer will receive reports or complaints of harassment from any student or employee and also from any building or program administrator or supervisor as discussed above. If the complaint involves the Human Rights Officer, then the complaint shall be filed directly with the District Superintendent.

The District shall conspicuously post the name of the Human Rights Officer, including a mailing address and telephone number.

C. Use of formal reporting forms is not mandatory.

The District will respect the confidentiality of the complaint and the individual(s) by and against whom the complaint is filed, to the extent practicable, consistent with the District's legal obligations and the necessity to investigate allegations of harassment and take appropriate remedial or disciplinary action.

IV. Investigation

The Human Rights Officer, upon receipt of a report or complaint alleging harassment, shall immediately initiate an investigation. This investigation may be conducted by the Human Rights Officer or by a third party designated by the District Superintendent. The investigating party shall provide a written report of the status of the investigation within ten (10) working days to the District Superintendent and the Human Rights Officer.

The investigation may include personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of or information concerning the alleged incident(s) or circumstances giving rise to the complaint.

Pending completion of the investigation, the BOCES may take immediate steps, at its discretion, to protect the complainant, any student(s) or any employee(s).

The District Human Rights Officer shall make a report to the District Superintendent upon completion of the investigation.

V. Remedial or Disciplinary Action

The BOCES will take appropriate action based on the results of the investigation.

The BOCES will also take appropriate action to address and prevent any retaliation against any person who reports alleged harassment or who testifies, assists or participates in an investigation, proceeding or hearing relating to a harassment report or complaint. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Any District action taken pursuant to this Policy will be consistent with the requirements of applicable collective bargaining agreements, state and federal law and District policies. The BOCES will take such remedial or disciplinary action that it deems necessary and appropriate to end harassment and prevent its recurrence, which may include counseling, warning, reprimand, suspension or discharge.

The BOCES will, even in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals upon learning of, or having reason to suspect, the occurrence of any harassment.