

# POLICY

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7351

Orleans/Niagara BOCES

**Subject: Harassment of Students or Employees on the Basis of Any Protected Classification(s) Other Than Gender**

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, disability, sexual orientation, or any other legally protected categories or classification(s).

II. Harassment Defined

Discriminatory harassment for purposes of this policy shall be defined as physical, verbal, or other conduct based on race, color, national origin, religion or creed, age, disability, marital status, sexual orientation, or any other legally protected categories or classifications other than gender that is directed toward one or more individuals when the conduct, as determined by a reasonable person: (1) Has the purpose or effect of creating an intimidating, hostile or offensive academic or working environment; (2) has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance; (3) has the purpose or effect of demeaning or otherwise disrespecting the dignity of an individual in the academic or work environment; or (4) adversely affects an individual's academic or employment opportunities.

III. Reporting Procedure

The BOCES will investigate all complaints of discriminatory 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 BOCES.

Any person who believes that he or she has been the victim of harassment should report the alleged acts immediately to an appropriate BOCES official designated by this Policy. The BOCES 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 BOCES office. A staff member who witnesses or learns of any incident or series of incidents that may constitute harassment of a student has 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 discriminatory harassment at the building level. Upon receipt of a report, the supervisor or administrator must notify the BOCES Civil Rights Compliance Officer immediately without screening or investigating the report. A written report will be forwarded promptly to the Civil Rights Compliance 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 Civil Rights Compliance Officer. If the complaint involves the administrator or supervisor, then the complaint shall be filed directly with the BOCES Civil Rights Compliance Officer.

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

The BOCES shall conspicuously post the name of the Civil Rights Compliance Officer, including a mailing address, telephone number, and e-mail address.

C. Use of formal reporting forms is not mandatory.

The BOCES 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 BOCES' legal obligations and the necessity to investigate allegations of harassment and take appropriate remedial or disciplinary action.

#### IV. Investigation

The Civil Rights Compliance Officer, upon receipt of a report or complaint alleging discriminatory harassment, shall immediately initiate an investigation. The investigation may be conducted by the Civil Rights Compliance Officer or by a third party designated by the BOCES Superintendent.

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 District Superintendent or his or her designee may take immediate steps, in his or her discretion, to protect the complainant, any student(s), any employee(s), or any other individuals.

The BOCES Civil Rights Compliance Officer or other designated investigator shall make a report to the BOCES Superintendent upon completion of the investigation.

#### V. Timelines and Procedures for Reporting and Investigating Complaints

Timelines and procedures for reporting allegations of discriminatory harassment, investigating such allegations, and informing complainants and other material parties of findings and/or determinations, shall be as set forth in BOCES Policy 6070 (regarding Staff Complaints and Grievances) and/or BOCES Policy 7370 (regarding Student Complaints and Grievances).

#### VI. 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 discriminatory 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.

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Any BOCES action taken pursuant to this Policy will be consistent with the requirements of applicable collective bargaining agreements, state and federal law, and BOCES 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.

### VII. Construction

The District Superintendent shall be authorized to administer this policy, and to promulgate any regulations, procedures, and/or forms consistent with this policy.

**Revised July 2016**