

**LONG BEACH PUBLIC SCHOOLS**  
**Long Beach, NY**

August 24, 2021

Ladies and Gentlemen:

The Long Beach Board of Education is the authorized state agency responsible for setting educational policy in the district. It consists of five trustees, each serving a three-year term. Board members pay school taxes at the regular rate and receive no salary or other financial compensation.

All meetings, except executive sessions, are held before the public. Members of the public may address the Board of Education on any specific agenda item during special time reserved for that purpose prior to Board discussion and action. The public may also address the Board of Education on any matter of concern at a second public session after the Board of Education completes agenda action items. Visitors should not address the Board in public relative to questions or comments regarding specific staff members or specific students. Such concerns should be brought to the attention of appropriate staff or to board members by telephone, in writing, or by scheduling a personal meeting, as appropriate to the circumstances

Visitors' comments will be limited to three (3) minutes for each agenda item upon which comment is made. Visitors are precluded from speaking on any agenda item more than once during each meeting.

The current CDC guidelines recommend social distancing of six feet between members not of the same household and wearing a mask indoors in areas of high transmission. Nassau County is currently identified as an area of high transmission.

Sincerely,

Your Board of Education

**BOARD OF EDUCATION  
LONG BEACH PUBLIC SCHOOLS  
LINDELL ELEMENTARY SCHOOL AUDITORIUM  
Tuesday, August 24, 2021**

**AGENDA**

**REGULAR MEETING**

**5:30 PM**

- I. Pledge of Allegiance/Call to Order/Opening Remarks – Board President
- II. Report of the Superintendent of Schools
  - School Reopening Plan
- III. Board of Education Comments
- IV. Student Organization Announcements
- V. Questions and Comments from the Public on Tonight’s Agenda Only
- VI. Approval of Minutes for Executive Session and Regular Meeting of August 10, 2021
- VII. Presentations of the Superintendent:
  1. Adoption of School Reopening Plan
  2. Personnel Matters: Certificated
  3. Personnel Matters: Non-Certificated
  4. Approval of Building-Level Emergency Response Plans
  5. Adoption of Policy #3420 Non-Discrimination and Anti-Harassment in the District
  6. Second Reading of Policy #3421 Title IX and Sex Discrimination
  7. Second Reading of Policy #8130 Equal Education Opportunities
  8. Approval of Agreement – Transfinder
  9. Approval of Disposition of Obsolete Textbooks
  10. Approval of Disposition of Obsolete Equipment
  11. Award of Bid – #537B-2021 Pupil Transportation
  12. Acceptance of Recommendations of CPSE/CSE
  13. Payment of Legal Bills: Legal Services
  14. Approval of Use of Schools Applications
- VIII. Board of Education – Additional New/Old Business if any
- IX. Questions and Comments from the Public
- X. Announcements:
  1. Long Beach Classroom Teachers’ Association
  2. Administrative, Supervisory and PPS Group
  3. LBSEA -Long Beach Schools Employees’ Association – Group C
  4. Parent/Teacher Association
- XI. Adjournment

## I. ADOPTION OF SCHOOL REOPENING PLAN

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the Reopening Plan developed for the Long Beach City School District for the 2021-2022 school year.

### RESOLUTIONS

**BE IT RESOLVED THAT**, upon the recommendation of the Superintendent of Schools, the Board of Education approves the following personnel actions.

## II. CERTIFICATED PERSONNEL

### (a) Resignations

Name: Lindsey Weintraub  
Assign./Loc. Part Time Teacher Assistant/West School  
Effective Date: June 17, 2021

Name: Yetta Greenberg  
Assign./Loc. Part Time Teacher Assistant/Lindell School  
Effective Date: August 21, 2021

### (b) Amended Leave of Absence

Name: Christianne Vella Donohue  
Assign./Loc. Physical Education Teacher/LBHS  
Effective Dates: September 1, 2021-December 1, 2021 (on or about)  
Original Dates: September 28, 2021-December 21, 2021 (on or about)  
Reason: Maternity/FMLA

### (c) Appointment: Probationary Music Teacher

Name: Scott Scheinson\*  
Assign./Loc. Probationary Music Teacher/Lido School  
Certification: Professional Music  
Professional School District Administrator  
Initial School Building Leader  
Effective Date: September 1, 2021  
End Date: August 31, 2024  
Tenure Date: September 1, 2024\*\*  
Tenure Area: Music  
Salary Classification: MA+30/Step 2 (\$76,233 per annum-subject to negotiations)  
Reason: To fill a vacancy  
Comment: \*\*Credit for tenure in another NYS school district

\*This individual must receive three (3) annual APPR composite ratings of Effective or Highly Effective, in at least three (3) of the preceding four (4) years and cannot have an APPR composite rating of Ineffective in the last year of his or her probationary appointment to be granted or considered for tenure.

**II. CERTIFICATED PERSONNEL**

**(d) Appointment: Regular Substitute Reading Teacher**

Name: Gabriella Febrizio  
Assign./Loc: Regular Substitute Reading Teacher/LBMS  
Certification: Initial Literacy (pending)  
Initial Childhood Education 1-6  
Initial Students with Disabilities 1-6  
Effective Dates: September 1, 2021-January 28, 2022 (or earlier at the district's discretion)  
Tenure Area: Reading  
Salary Classification: MA/Step 1 (\$69,537 per annum)-subject to negotiations  
Reason: To fill a vacancy

**(e) Appointment: Part Time Mathematics Teacher (.6)**

Name: Victoria Martin  
Assign./Loc: Part Time Mathematics Teacher (.6)/LBMS  
Certification: Initial Mathematics  
Effective Date: September 1, 2021-June 24, 2022 (or earlier at the district's discretion)  
Salary Classification: .6 of MA/Step 1 (\$41,722 per annum)-subject to negotiations  
Reason: To fill a vacancy

**(f) The following Short-Term Teacher is recommended for approval for September 1, 2021 through October 18, 2021-rate \$227.12 per day**

<b>NAME</b>	<b>CERTIFICATION AREA</b>
Sara Pollack	Initial Early Childhood Education B-2 Initial Childhood Education 1-6

**(g) Appointment: Permanent Substitute Teachers**

Name: Sara Pollack  
Assign./Loc.: Permanent Substitute Teacher/East School  
Certification: Initial Early Childhood Education B-2  
Initial Childhood Education 1-6  
Effective Dates: October 19, 2021-June 23, 2022 (or earlier at the district's discretion)  
Rate of Pay: \$227.12\* per day (no medical insurance coverage)  
Reason: Annual appointment  
\*Subject to negotiations

**(h) Appointment: Part Time AIS Teachers/Long Beach Catholic Regional School-for the 2021/2022 school year-Stipend \$4,604 each-grant funded/Title 1**

Kelly Ann Toritto  
Nicole Isola  
Christina Volpe

**II. CERTIFICATED PERSONNEL**

**(i) Appointment: Part Time Drivers Education Instructor**

Name: Daniel Lerner  
 Assign./Loc: Part Time Drivers Education Instructor/Virtual  
 Certification: NYS DOMV-Drivers Education Instructor Certification  
 Effective Dates: To be determined  
 Salary Classification: \$76.76 per hour – subject to negotiations  
 Reason: Annual-reappointment/afterschool program

**(j) Appointment Part Time Teacher Assistants 25 hours per week September 1, 2021 through June 24, 2022 (or earlier at the district’s discretion). Rate according to contract.**

Name	Step	Rate	Location	Reason
Sadie Garone	7	23.04	LBHS	Program

**(k) Appointment Part Time Teacher Assistants 17.5 hours per week September 1, 2021 through June 24, 2022 (or earlier at the district’s discretion). Rate according to contract.**

Name	Step	Rate	Location	Reason
Benjamin Swan	6	22.25	LBMS	ENL
Sydney Dreyfus	1	18.26	LBMS	CSE

**(l) Appointment: Coordinator of Mentors for the 2021-2022 School Year-rate of pay-\$5,152 stipend-\*subject to negotiations**

Elizabeth O’Brien  
*Rescind Lauren Kaufman*

**(m) Appointment: Staff members to perform evaluations and attend meetings for summer 2021 as needed-Rate of Pay-according to contract-total maximum program hours 150**

Matthew Morand Alanna Loftus

**(n) Appointment: Translators (as needed)- 2021-2022 School Year-Rate of Pay: \$25.00 per hour**

- |                       |                          |
|-----------------------|--------------------------|
| 1. Sohail Akbar       | 8. Mohsin Mizra          |
| 2. Elisana Moreira    | 9. Runnie Myles          |
| 3. Caroline Espinet   | 10. Natasha Korzeniewski |
| 4. Gloria Ferrer      | 11. Benjamin Swan        |
| 5. Rose Maria Goeller | 12. Ana Umanzor          |
| 6. Betty Gruber       | 13. Elizabeth Wisey      |
| 7. Aracely Guandique  | 14. Cindy Zarate         |

## II. CERTIFICATED PERSONNEL

- (o) The following Per Diem Substitute Teachers are recommended for approval for the 2021-2022 school year

NAME	CERTIFICATION AREA
Carol Henck	Nurse
Bruce Kaplan	Music
Xenia Rivara	Permanent Childhood Education 1-6
Devin Thelemann	Initial Mathematics 7-12

- (p) **WHEREAS**, the Superintendent of Schools has been requested to bring the personnel records of tenured and non-tenured administrative staff to a meeting of the Board of Education for review in executive session pursuant to Part 84 of the regulations of the Commissioner of Education; and

**WHEREAS**, the Board of Education has determined that the information contained in said personnel file(s) will aid in fulfilling its legal responsibilities in making decisions in employee personnel matters; it is

**RESOLVED**, that the Board of Education shall meet in the September 14, 2021 and December 14, 2021 executive sessions to review the personnel files of non-tenured administrative staff, after which said files shall be returned to the custody of the Superintendent of Schools.

**WHEREAS**, the Superintendent of Schools has been requested to bring the personnel records of non-tenured teachers and full-time teacher assistants to a meeting of the Board of Education for review in executive session pursuant to Part 84 of the regulations of the Commissioner of Education; and

**WHEREAS**, the Board of Education has determined that the information contained in said personnel file(s) will aid in fulfilling its legal responsibilities in making decisions in employee personnel matters; it is

**RESOLVED**, that the Board of Education shall meet on the January 11, 2022 executive sessions to review the personnel files of non-tenured teachers, after which said files shall be returned to the custody of the Superintendent of Schools.

**WHEREAS**, the Superintendent of Schools has been requested to bring the personnel records of unaffiliated staff to a meeting of the Board of Education for review in executive session pursuant to Part 84 of the regulations of the Commissioner of Education; and

**WHEREAS**, the Board of Education has determined that the information contained in said personnel file(s) will aid in fulfilling its legal responsibilities in making decisions in employee personnel matters; it is

**RESOLVED**, that the Board of Education shall meet in the May 24, 2022 executive sessions to review the personnel files of the unaffiliated staff, after which said files shall be returned to the custody of the Superintendent of Schools.

**III. NON CERTIFICATED PERSONNEL**

**(a) Resignation for the Purpose of Retirement**

Name: Louis Iodice  
Assign./Loc. Cleaner/West School  
Effective Date: December 31, 2021

**(b) Resignations**

Name: Kipling Johnson  
Assign./Loc. Part Time Teacher Aide/Lindell School  
Effective Date: July 24, 2021

Name: Lynn Corrigan  
Assign./Loc. Part Time Teacher Aide/West School  
Effective Date: July 24, 2021

Name: Mia Rolon  
Assign./Loc. Part Time Lunch Aide/Lindell School  
Effective Date: August 23, 2021

**(c) Rescission**

Name: Ally Kaplan  
Assign./Loc. Part Time Teacher Aide/Lido School  
Effective Date: August 19, 2021

Name: Annemarie Whelan  
Assign./Loc. Part Time Teacher Aide/Lindell School  
Effective Date: August 20, 2021

**(d) Leaves of Absence**

Name: Nancy Murray  
Assign./Loc. School Nurse/Lido School  
Effective Dates: September 1, 2021-December 1, 2021  
Reason: FMLA/Family Illness

Name: Rosa Maria Goeller  
Assign./Loc. Instructor/ALC  
Effective Dates: August 23, 2021-September 30, 2021  
Reason: Family Illness

Name: Kelly Gavares  
Assign./Loc. Part Time Teacher Aide/Lindell School  
Effective Dates: September 1, 2021-January 28, 2022  
Reason: Medical

**III. NON CERTIFICATED PERSONNEL**

(e) **Appointment Part Time Aides 17.5 hours per week September 1, 2021 through June 24, 2022 (or earlier at the district's discretion). Rate according to contract.**

Name	Step	Rate	Location	Reason
Cari Howell	7	21.49	LBMS	504
Brian Horne	4	19.29	LBHS	CSE
Devin Murray	1	17.09	LBMS	504

(f) **Appointment: Part Time Bus Aides 18.75 hours per week**

Name: Mayela Sibrian  
Assign./Loc.: Part Time Bus Aide/Transportation Department  
Effective Dates: September 1, 2021  
Grade/Step: Grade 1/Step 3  
Salary Classification: \$18.68 per hour  
Reason: To meet a district need

Name: Marta Ortega  
Assign./Loc.: Part Time Bus Aide/Transportation Department  
Effective Dates: September 1, 2021  
Grade/Step: Grade 1/Step 2  
Salary Classification: \$17.86 per hour  
Reason: To meet a district need

Name: Maria Umana  
Assign./Loc.: Part Time Bus Aide/Transportation Department  
Effective Dates: September 1, 2021  
Grade/Step: Grade 1/Step 2  
Salary Classification: \$17.86 per hour  
Reason: To meet a district need

Name: Betsy Fabian Manzano  
Assign./Loc.: Part Time Bus Aide/Transportation Department  
Effective Dates: September 1, 2021  
Grade/Step: Grade 1/Step 2  
Salary Classification: \$17.86 per hour  
Reason: To meet a district need

Name: Ilda Borja  
Assign./Loc.: Part Time Bus Aide/Transportation Department  
Effective Dates: September 1, 2021  
Grade/Step: Grade 1/Step 2  
Salary Classification: \$17.86 per hour  
Reason: To meet a district need

**III. NON CERTIFICATED PERSONNEL**

**(f) Appointment: Part Time Bus Aides 18.75 hours per week cont:**

Name:	Norma Canas
Assign./Loc.:	Part Time Bus Aide/Transportation Department
Effective Dates:	September 1, 2021
Grade/Step:	Grade 1/Step 2
Salary Classification:	\$17.86 per hour
Reason:	To meet a district need

**4. APPROVAL OF BUILDING-LEVEL EMERGENCY RESPONSE PLANS**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby approves the updated 2021-22 Building-Level Emergency Response Plans as discussed in Executive Session.

**5. ADOPTION OF POLICY #3420 NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT**

**6. SECOND READING OF POLICY #3421 TITLE IX AND SEX DISCRIMINATION**

**7. SECOND READING OF POLICY #8130 EQUAL EDUCATIONAL OPPORTUNITIES**

**8. APPROVAL OF AGREEMENT – TRANSFINDER**

**WHEREAS**, the Long Beach City School District (“District”) desires to enter into an agreement with Transfinder to provide transportation routing software, licensing and training for the 2021-2022 school year;

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement with Transfinder in the amount of \$24,865 for transportation routing software, licensing and training for the 2021-2022 school year;

**BE IT FURTHER RESOLVED**, that the Board of Education hereby authorizes the District Assistant Superintendent for Finance and Operations to execute said agreement with Transfinder on its behalf.

**9. APPROVAL OF DISPOSITION OF OBSOLETE TEXTBOOKS**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the disposal of obsolete textbooks which are no longer useful or necessary for school district purposes and of no value to the School District as indicated on a list attached to and made part of this resolution.

**10. APPROVAL OF DISPOSITION OF OBSOLETE EQUIPMENT**

**BE IT RESOLVED** that, upon the recommendation of the Superintendent of Schools, the Board of Education authorizes the disposal of one (1) SmartBoard - Serial #006229 that has become obsolete.

**11. AWARD OF BID #537B-2021 PUPIL TRANSPORTATION**

**WHEREAS**, the District placed legal notice advertising a bid for Pupil Transportation in the official district papers on August 5, 2021, and provided bid documents to We Transportation, Independent Bus Company, First Student, Suburban Bus, Veterans, Guardian Bus and Dell Transportation; and

**WHEREAS**, the District, in accordance with Article 5-A of the General Municipal Law, invited bids on Pupil Transportation which bids were opened publicly on August 16, 2021; and

**WHEREAS**, We Transportation was the lowest priced responsible bidder (see below) on the Pupil Transportation Bid;

Bus Route #	We Transportation		Independent	First Student	Suburban	Veterans	Guardian	Dell
	Matron	Vehicle						
1	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
2	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
3	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
4	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
5	\$3500	\$7950	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
6	\$3500	\$7950	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
7	\$3500	\$8350	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
8	\$3500	\$8350	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
9	\$3500	\$8350	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid
10	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid	No Bid

**THEREFORE, BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby determines that We Transportation was the lowest priced responsible bidder on the Pupil Transportation Bid and approves the award of the Pupil Transportation contract to We Transportation, and authorizes the District Assistant Superintendent for Finance and Operations to execute said agreement on its behalf.

**12. ACCEPTANCE OF RECOMMENDATIONS FROM THE COMMITTEE ON PRE-SCHOOL SPECIAL EDUCATION AND COMMITTEE ON SPECIAL EDUCATION**

**13. PAYMENT OF LEGAL BILLS: LEGAL SERVICES**

**A) VOLZ & VIGLIOTTA**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education authorizes expenditures in the amount of \$4,583.33 to Volz & Vigliotta for the monthly retainer for general counsel legal services for the period of September 1, 2021 through September 30, 2021; \$2,254.75 for general counsel legal services for the period July 14, 2021 through July 29, 2021; \$517.00 for general counsel legal services for the period of July 6, 2021 through August 5, 2021; and \$3,458.33 for the monthly retainer for labor counsel legal services for the period of September 1, 2021 through September 30, 2021.

**14. APPROVAL OF USE OF SCHOOLS APPLICATIONS**

**BE IT RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the use of schools as attached, not to conflict with District events. However, please note that events may have to be modified and/or rescheduled based on building schedule.

**APPLICATIONS FOR USE OF SCHOOLS**

<u>Organization</u>	<u>Purpose</u>	<u>Facility Requested</u>	<u>Date Requested</u>
City of Long Beach	Basketball/Volleyball	Lindell Gymnasium	Sept. 1, 2021 – May 31, 2022 Mon, Wed, Fri 6:30pm – 9:30pm

City of Long Beach	Holiday Show	Middle School Auditorium	December 11, 2021 Saturday 8:00am – 3:00pm
City of Long Beach	Wrestling	Lido Multipurpose Room	Dec. 1, 2021 thru March 31, 2022 Mon & Wed 6:30pm – 9:00pm
City of Long Beach	Basketball	Lindell Gymnasium	Saturdays Jan. 1, 2022 through April 30, 2022 9:00am – 4:00pm
City of Long Beach	Basketball	East School Gymnasium	Mon – Wed - Fri Jan. 1, 2022 through Mar 31, 2022 6:00pm – 9:00pm
City of Long Beach	Basketball	Middle School Gymnasium	Saturdays Jan. 1, 2022 through April 30, 2022 12:30pm – 3:00pm
City of Long Beach	Basketball	West School Gymnasium	Sept. 9, 2021 thru March 31, 2022 Tues & Thur 6:30pm – 9:00pm
City of Long Beach	Basketball	Lido Gymnasium	Tues & Thur Jan. 1, 2022 through Mar 10, 2022 6:00pm – 9:00pm
Hofstra University Biology Dept.	NIKE Marsh Field Trip	NIKE	Thurs. Sept. 9. 2021 Thurs. Oct. 21, 2021 1:30pm – 5:30pm

Cub Scout Pack 511	Cub Scout Meetings	Lindell Cafeteria	Various Dates Sept. 13, 2021 - June 8, 2022 6:30pm – 9:00pm
Cub Scout Pack 351	Cub Scout Meetings	East School Cafeteria	Various Dates Sept. 15, 2021 – June 8, 2022 6:30pm – 7:45pm

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of discrimination and/or harassment made under applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

In accordance with applicable federal and state laws and regulations, the District does not discriminate on the basis of any legally protected class or category in its education programs and activities or when making employment decisions. Further, the District prohibits discrimination and harassment on school property and at school functions on the basis of any legally protected class including, but not limited to:

- a) Race;
- b) Color;
- c) Religion;
- d) Disability;
- e) National origin;
- f) Sexual orientation;
- g) Gender identity or expression;
- h) Military status;
- i) Sex;
- j) Age; and
- k) Marital status.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination and/or harassment. The District will promptly respond to reports of discrimination and/or harassment, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and imposes disciplinary measures and implement remedies when warranted.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officers (CRCOs).

**Scope and Application**

This policy outlines the District's general approach to addressing complaints of discrimination and/or harassment. This policy applies to the dealings between or among the following parties on school property and at school functions:

- a) Students;
- b) Employees;
- c) Applicants for employment;
- d) Paid or unpaid interns;
- e) Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;
- f) Volunteers; and
- g) Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy.

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's *Code of Conduct* may address misconduct related to discrimination and/or harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved, where the alleged discrimination and/or harassment occurred, and the basis of the alleged discrimination and/or harassment. These documents must be read in conjunction with this policy.

The dismissal of a complaint under one policy or these documents does not preclude action under another related District policy or document.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)****Definitions**

For purposes of this policy, the following definitions apply:

- a) "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.
- b) "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

**What Constitutes Discrimination and Harassment**

Determinations as to whether conduct or an incident constitutes discrimination and/or harassment will be made consistent with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's *Code of Conduct*. The examples below should not be construed to add or limit the rights that individuals and entities possess as a matter of law.

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his or her membership in a protected class; denying an individual access to facilities or educational benefits on the basis of his or her membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Generally stated, harassment consists of subjecting an individual, on the basis of his or her membership in a legally protected class, to persistent unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; demeaning comments or behavior; slurs; mimicking; name calling; graffiti; innuendo; gestures; physical contact; stalking; threatening; bullying; extorting; or the display or circulation of written materials or pictures, including on social media.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

This conduct may, among other things, have the purpose or effect of: subjecting the individual to inferior terms, conditions, or privileges of employment; creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities. Petty slights or trivial inconveniences do not constitute harassing conduct.

**Civil Rights Compliance Officer**

\*The District has designated the following District employees to serve as its CRCOs:

Michele Natali, Ed.D.  
Asst. Superintendent for Personnel & Administration  
235 Lido Boulevard  
Lido Beach, NY 11561  
516-897-2112  
[mnatali@lbeach.org](mailto:mnatali@lbeach.org)

Sabrina Brancaccio, Ed.D.  
Executive Director of Pupil Personnel Services  
235 Lido Boulevard  
Lido Beach, NY 11561  
516-897-2202  
[sbrancaccio@lbeach.org](mailto:sbrancaccio@lbeach.org)

The CRCOs will coordinate the District's efforts to comply with its responsibilities under applicable non-discrimination and anti-harassment laws and regulations including, but not limited to: the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.

Where appropriate, the CRCOs may seek the assistance of other District employees, such as the District's Title IX Coordinators or Dignity Act Coordinators (DACs), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

**Reporting Allegations of Discrimination and/or Harassment**

Any person may report discrimination and/or harassment regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the CRCOs, or by any other means that results in the CRCOs receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the CRCOs.

Reports of discrimination and/or harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment will be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

All District employees who witness or receive an oral or written report of discrimination and/or harassment must immediately inform a CRCO. Failure to do so may subject the employee to discipline.

In addition to complying with this policy, District employees must comply with any other applicable District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

**Grievance Process for Complaints of Discrimination and/or Harassment**

The District will act promptly, thoroughly, and equitably to investigate all complaints, whether oral or written, of discrimination and/or harassment based on any legally protected class and will take appropriate action to protect individuals from further discrimination and/or harassment. The CRCO will oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible. The investigation and due process provisions depend on the status of the alleged offender (ie, student, teacher, volunteer, etc.).

If an investigation reveals that discrimination and/or harassment based on a legally protected class has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

**Finding That Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)**

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, if applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment did not occur.

**Knowingly Makes False Accusations**

Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination and/or harassment will face appropriate disciplinary action.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination and/or harassment.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Where appropriate, follow-up inquiries will be made to ensure that the discrimination and/or harassment has not resumed and that those involved in the investigation have not suffered retaliation.

**Confidentiality**

To the extent possible, all complaints will be treated as confidential. Disclosure may be necessary in certain circumstances such as to complete a thorough investigation and/or notify law enforcement officials. All disclosures will be in accordance with law and regulation.

**Training**

In order to promote familiarity with issues pertaining to discrimination and harassment in the District, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to employees and students. As may be necessary, special training will be provided for individuals involved in the handling of discrimination and/or harassment complaints.

(Continued)

## Community Relations

**SUBJECT: NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT  
(Cont'd.)****Notification**

Prior to the beginning of each school year, the District will furnish a notice which advises students, parents or legal guardians, employees, and other relevant individuals of the District's established grievance process for resolving complaints of discrimination and/or harassment. This announcement or publication will include the name, office address, telephone number, and email address of the CRCO(s). The District's website will reflect current and complete contact information for the CRCO(s).

A copy of this policy and its corresponding regulations and/or procedures will be available upon request and will be posted and/or published in appropriate locations and/or District publications.

**Additional Provisions**

Regulations and/or procedures will be maintained for reporting, investigating, and remedying allegations of discrimination and/or harassment.

42 USC § 1324b

Age Discrimination Act of 1975, 42 USC § 6101 et seq.

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC § 621 et seq.

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.

Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC § 2000ff et seq.

National Labor Relations Act (NLRA), 29 USC § 151 et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.

Title IV of the Civil Rights Act of 1964, 42 USC § 2000c et seq.

Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.

Title IX, 20 USC § 1681 et seq.

USERRA, 38 USC § 4301 et seq.

28 CFR Part 35

29 CFR Chapter I – National Labor Relations Board

29 CFR Chapter XIV – Equal Employment Opportunity Commission

34 CFR Parts 100, 104, 106, 110, and 270

Civil Rights Law §§ 40, 40-c, 47-a, 47-b, 48-a, and 115

Correction Law § 752

Education Law §§ 10-18, 313, 313-a, 2801, 3201, and 3201-a

Labor Law §§ 194-a, 201-d, 201-g, 203-e, 206-c, 215

New York State Human Rights Law, Executive Law § 290 et seq.

Military Law §§ 242, 243, and 318

8 NYCRR § 100.2

9 NYCRR § 466 et seq.

## Community Relations

NOTE: Refer also to Policies #3421 -- Title IX and Sex Discrimination  
#6120 -- Equal Employment Opportunity  
#6121 -- Sexual Harassment in the Workplace  
#6122 -- Employee Grievances  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
#8130 -- Equal Educational Opportunities  
District *Code of Conduct*

First Reading: June 8, 2021  
Second Reading: July 1, 2021  
Adoption Date: August 24, 2021

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION****Overview**

The District is committed to creating and maintaining education programs and activities which are free from discrimination and harassment. This policy addresses complaints of sex discrimination, including sexual harassment, made under Title IX of the Education Amendments Act of 1972 and its implementing regulations (Title IX). It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Title IX prohibits discrimination on the basis of sex in any education program or activity operated by a district that receives federal financial assistance. As required by Title IX, the District does not discriminate on the basis of sex in its education programs and activities or when making employment decisions.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sex discrimination, including sexual harassment. The District will promptly respond to reports of sex discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections to complainants and respondents, and impose sanctions and implement remedies when warranted.

Inquiries about this policy or the application of Title IX may be directed to the District's Title IX Coordinator(s), the Assistant Secretary for Civil Rights of the United States Department of Education, or both.

**Scope and Application of Policy**

This policy is limited to addressing complaints of sex discrimination, including sexual harassment, that fall within the scope of Title IX which, among other things, has a specific definition of sexual harassment and applies only to sex discrimination occurring against a person in the United States. This policy applies to any individual participating in or attempting to participate in the District's education programs or activities including students and employees.

Other District policies and documents address sex-based misconduct and may have different definitions, standards of review, and grievance procedures. These documents must be read in conjunction with this policy as they may cover incidents of sex-based misconduct not addressed by Title IX.

If the allegations forming the basis of a formal complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the grievance process outlined in this policy would be applied to the investigation and adjudication of all the allegations. Depending on the allegations, additional grievance procedures may apply.

The dismissal of a formal complaint of sexual harassment under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)****What Constitutes Sex Discrimination Including Sexual Harassment**

Title IX prohibits various types of sex discrimination including, but not limited to: sexual harassment; the failure to provide equal athletic opportunity; sex-based discrimination in a District's science, technology, engineering, and math (STEM) courses and programs; and discrimination based on pregnancy.

Under Title IX, sexual harassment includes conduct on the basis of sex that satisfies one or more of the following:

- a) An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
- b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;
- c) Sexual assault, meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
- d) Dating violence, meaning violence committed by a person:
  1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
  2. Where the existence of such a relationship will be determined based on a consideration of the following factors:
    - (a) The length of the relationship;
    - (b) The type of relationship;
    - (c) The frequency of interaction between the persons involved in the relationship;
- e) Domestic violence, meaning felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction; or

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

- f) Stalking, meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
1. Fear for his or her safety or the safety of others; or
  2. Suffer substantial emotional distress.

**Title IX Coordinator**

\*The District has designated and authorized the following District employee(s) to serve as its Title IX Coordinator(s):

Michael I. DeVito, Esq.  
235 Lido Boulevard  
Lido Beach, NY 11561  
516-897-2090  
[mdevito@lbeach.org](mailto:mdevito@lbeach.org)

Michele Natali, Ed.D  
235 Lido Boulevard  
Lido Beach, NY 11561  
516-897-2112  
[mnatali@lbeach.org](mailto:mnatali@lbeach.org)

The Title IX Coordinator(s), who must be referred to as such, will coordinate the District's efforts to comply with its responsibilities under Title IX. However, the responsibilities of the Title IX Coordinator(s) may be delegated to other personnel.

Where appropriate, the Title IX Coordinator(s) may seek the assistance of the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Dignity Act Coordinator(s) (DAC(s)) in investigating, responding to, and remedying complaints of sex discrimination, including sexual harassment.

**Reporting Allegations of Sex Discrimination**

Any person may report sex discrimination, including sexual harassment, regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

Reports of sex discrimination may also be made to any other District employee including a supervisor, building principal, or the District's CRCO. All reports of sex discrimination, including sexual harassment, will be forwarded to the District's Title IX Coordinator. Reports may also be forwarded to other District employees depending on the allegations.

All District employees who witness or receive an oral or written report of sex discrimination must immediately inform the Title IX Coordinator. Failure to immediately inform the Title IX Coordinator may subject the employee to discipline.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

Making a report of sexual harassment is not the same as filing a formal complaint of sexual harassment. A formal complaint is a document either filed by a complainant or a parent or legal guardian who has a right to act on behalf of the complainant or signed by the Title IX Coordinator which alleges sexual harassment against a respondent and requests that the District investigate the allegations. While the District must respond to all reports it receives of sexual harassment, the Title IX grievance process is only initiated with the filing of a formal complaint.

In addition to complying with this policy, District employees must comply with any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*. This includes, but is not limited to, Policy #7550 -- Dignity for All Students (DASA) which requires District employees to make an oral report promptly to the Superintendent or principal, their designee, or the DAC not later than one school day after witnessing or receiving an oral or written report of harassment, bullying, and/or discrimination of a student. Two days after making the oral report, DASA further requires that the District employee file a written report with the Superintendent or principal, their designee, or the DAC.

If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if the District has designated another individual to serve in that capacity. If the District has not designated another Title IX Coordinator, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

**Grievance Process for Complaints of Sex Discrimination Other than Sexual Harassment**

The District will provide for the prompt and equitable resolution of reports of sex discrimination other than sexual harassment. In responding to these reports, the Title IX Coordinator will utilize, as applicable, the grievance process set forth in Policy #3420 -- Non-Discrimination and Anti-Harassment in the District and any other applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

**Grievance Process for Formal Complaints of Sexual Harassment**

The District will respond to allegations of sexual harassment in a manner that is not deliberately indifferent whenever it has actual knowledge of sexual harassment in an education program or activity of the District. The District is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For purposes of reports and formal complaints of sexual harassment under Title IX, education program or activity includes locations, events, or circumstances over which the District exercised substantial control over both the respondent(s) and the context in which the sexual harassment occurred.

The District will follow a grievance process that complies with law and regulation before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

The District will conduct the grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is anticipated that, in most cases, the grievance process will be conducted within a reasonably prompt manner and follow the time frames established in this policy.

Definitions

- a) "Actual knowledge" means notice of sexual harassment or allegations of sexual harassment to a District's Title IX Coordinator or any official of the District who has authority to institute corrective measures on behalf of the District, or to any District employee. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the District with actual knowledge is the respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the District. "Notice" as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator as described in this policy.
- b) "Complainant" means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- c) \*"Days" means school days, and excludes any weekday during which the school is closed.
- d) "Formal complaint" means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by email, by using the contact information required to be listed for the Title IX Coordinator, and by any additional method designated by the District. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by email or through an online portal provided for this purpose by the District) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party, and must comply with the requirements of law and regulation.
- e) "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

- f) "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. These measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

General Requirements for the Investigative and Grievance Process

During the investigation of a formal complaint and throughout the grievance process, the District will ensure that:

- a) Complainants and respondents are treated equitably. This includes applying any provisions, rules, or practices incorporated into the District's grievance process, other than those required by law or regulation, equally to both parties.
- b) All relevant evidence is objectively evaluated, including both inculpatory and exculpatory evidence. Inculpatory evidence implicates or tends to implicate an individual in a crime or wrongdoing. Exculpatory evidence frees or tends to free an individual from blame or accusation.
- c) The Title IX Coordinator, investigator, decision-maker involved in the grievance process, or any person designated by the District to facilitate any informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.
- d) Respondents are presumed not to be responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- e) The grievance process, including any appeals or informal resolutions, is concluded within a reasonably prompt time frame and that the process is only temporarily delayed or extended for good cause. Good cause includes, but is not limited to, considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

language assistance or accommodation of disabilities. Whenever the time frame is temporarily delayed or extended, written notice will be provided to all complainants and respondents of the delay or extension and the reasons for the action.

- f) The range of possible disciplinary sanctions and remedies that may be implemented by the District following any determination regarding responsibility are described to any known party.
- g) The same standard of evidence is used to determine responsibility in all formal complaints.
- h) The procedures and permissible bases for an appeal are known to all complainants and respondents.
- i) The range of supportive measures available are known to all complainants and respondents.
- j) There is no requirement, allowance of, reliance on, or otherwise use of questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived the privilege.
- k) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties.
- l) The Title IX Coordinator, the investigator, any decision-maker, or any other person participating on behalf the District does not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the District obtains that party's voluntary, written consent to do so for the grievance process. If the party is not an eligible student, as defined in FERPA as a student who has reached 18 years of age or is attending a post-secondary institution, the District will obtain the voluntary, written consent of a parent.
- m) The parties have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- n) Credibility determinations are not be based on a person's status as a complainant, respondent, or witness.
- o) The ability of either party to discuss the allegations under investigation or to gather and present relevant evidence is not restricted.
- p) The parties are provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney,

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

and not limit the choice or presence of advisor for any complainant or respondent in any meeting or grievance proceeding. However, the District may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.

- q) Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, is provided to any party whose participation is invited or expected with sufficient time for the party to prepare to participate.
- r) The parties are provided with equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the District does not intend to rely on in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- s) Any document sent to a minor or legally incompetent person is also sent to the party's parent or legal guardian.
- t) Any document sent to a party is also sent to the party's advisor, if known.

**After a Report of Sexual Harassment Has Been Made**

After receiving a report of sexual harassment, the Title IX Coordinator will:

- a) Promptly contact the complainant to discuss and offer appropriate supportive measures;
- b) Immediately inform the complainant both of the range of appropriate supportive measures available and that these measures are available regardless of whether a formal complaint is filed;
- c) Consider the complainant's wishes with respect to supportive measures; and
- d) Explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator shall, to the extent appropriate, also contact the respondent to discuss and/or impose supportive measures.

Requests for confidentiality or use of anonymous reporting may limit how the District is able to respond to a report of sexual harassment.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**Emergency Removal and Administrative Leave

At any point after receiving a report or formal complaint of sexual harassment, the District may immediately remove a respondent from the District's education program or activity on an emergency basis, provided that the District:

- a) Undertakes an individualized safety and risk analysis;
- b) Determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal; and
- c) Provides the respondent with notice and an opportunity to challenge the decision immediately following the removal.

The District should coordinate their Title IX compliance efforts with special education staff when initiating an emergency removal of a student with a disability from an education program or activity as the removal could constitute a change of placement under the IDEA or Section 504.

The District may place a non-student employee respondent on administrative leave with or without pay during the pendency of the grievance process in accordance with law and regulation and any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Filing a Formal Complaint

A complainant may file a formal complaint with the Title IX Coordinator in person or by mail, email, or other method made available by the District. The complainant must be participating in or attempting to participate in the education program or activity of the District at the time of filing the complaint. The filing of a formal complaint initiates the grievance process.

A formal complaint must be signed by the complainant, the complainant's parent or legal guardian as appropriate, or the Title IX Coordinator. Where a parent or legal guardian signs the complaint, the parent or legal guardian does not become the complainant; rather the parent or legal guardian acts on behalf of the complainant. The Title IX Coordinator may sign the formal complaint, but his or her signature does not make him or her a complainant or a party to the complaint. If the formal complaint is signed by the Title IX Coordinator, the Title IX Coordinator is still obligated to comply with the grievance process outlined in this policy.

The complainant, or the complainant's parent or legal guardian, must physically or digitally sign the formal complaint, or otherwise indicate that the complainant is the person filing the formal complaint. When a formal complaint is filed, the Title IX Coordinator must send a written notice of allegations to all parties which includes the identities of all known parties.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

The District will not discriminate on the basis of sex in its treatment of a complainant or a respondent in responding to a formal complaint of sexual harassment.

The formal complaint form may be obtained from the District's Title IX Coordinator or found on the District's website.

Consolidation of Formal Complaints

The District may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

Written Notice of Allegations

Upon receipt of a formal complaint, the District will send all known parties written notice of:

- a) The District's grievance process, including any informal resolution process; and
- b) The allegations of sexual harassment which will:
  1. Provide sufficient details known at the time and sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
  2. State that the respondent is presumed not to be responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  3. Inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
  4. Inform the parties that they may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint; and
  5. Include notice of any provision in any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct* that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the District decides to investigate allegations about any complainant or respondent that were not included in the initial notice, the District will provide another notice of the additional allegations to the parties whose identities are known.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**Investigation of a Formal Complaint

The Title IX Coordinator will oversee the District's investigation of all formal complaints. During the investigation of a formal complaint, the Title IX Coordinator or another District employee may serve as the District's investigator. The District may also outsource all or part of an investigation to appropriate third parties. The outsourcing of all or part of an investigation does not relieve the District from its obligation to comply with law and regulation.

It is anticipated that most investigations will be completed within ten school days after receiving a formal complaint.

During the investigation of a formal complaint, the investigator will, as appropriate:

- a) Collect, review, and preserve all evidence including, but not limited to, any relevant documents, videos, electronic communications, and phone records.
- b) Interview all relevant persons including, but not limited to, any complainants, respondents, and witnesses. Interviews of complainants and respondents will be conducted separately. If a student is involved, the District will follow any applicable District policy, procedure, or other document such as the District's *Code of Conduct* regarding the questioning of students.
- c) Create written documentation of the investigation (such as a letter, memo, or email), which contains the following:
  1. A list of all documents reviewed, along with a detailed summary of relevant documents;
  2. A list of names of those interviewed, along with a detailed summary of their statements;
  3. A timeline of events; and
  4. A summary of prior relevant incidents, reported or unreported.
- d) Keep any written documentation and associated documents in a secure and confidential location.

Prior to completion of the investigative report, the District will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy. The parties will have at least ten days to submit a written response, which the investigator will consider prior to completion of the investigative report.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

At the end of the investigation, an investigative report will be created that fairly summarizes all relevant evidence.

At least ten days prior to a hearing or other determination regarding responsibility, the investigative report will be sent to each party and the party's advisor, if any, in an electronic format or a hard copy, for their review and written response.

Dismissal of a Formal Complaint

The District must investigate the allegations in a formal complaint. The District must dismiss a formal complaint under Title IX if the complaint was filed maliciously or if the conduct alleged:

- a) Would not constitute sexual harassment even if proven;
- b) Did not occur in the District's education program or activity; or
- c) Did not occur against a person in the United States.

Further, the District may dismiss a formal complaint or any of its allegations under Title IX, if at any time during the investigation or hearing:

- a) A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations;
- b) The respondent is no longer enrolled or employed by the District; or
- c) Specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint or any of its allegations.

Upon a dismissal of a formal complaint, the District must promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties.

The dismissal of a formal complaint under Title IX does not preclude action under another related District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Informal Resolutions

Before reaching a determination regarding responsibility, but only after a formal complaint is filed, the District may offer and facilitate the use of an informal resolution process, such as mediation, that does not involve a full investigation and adjudication of the formal complaint.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

It is anticipated that most informal resolutions will be completed within ten school days.

The District will not require that parties participate in an informal resolution process. The District will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student. Further, the District will not require the waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right.

If the District offers and facilitates the use of an informal resolution process, it will:

- a) Provide written notice to all known parties which details:
  1. The allegations in the formal complaint;
  2. The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;
  3. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
- b) Obtain the parties' voluntary, written consent to the informal resolution process.

**Hearings and Determination Regarding Responsibility**

The District will designate an individual decision-maker or a panel of decision-makers to issue a written determination regarding responsibility. A decision-maker can either be a District employee or, where appropriate, a third-party. They cannot be the same individual as either the Title IX Coordinator or the investigator(s).

The District's grievance process may, but is not required to, provide for a hearing. The determination as to whether a hearing will be provided will be made on a case-by-case basis. If a hearing is provided, the District will make all evidence subject to the parties' inspection and review available to give each party equal opportunity to refer to this evidence during the hearing, including for purposes of cross-examination.

With or without a hearing, before reaching a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to:

- a) Submit written, relevant questions that a party wants asked of any party or witness within five school days after the parties have received the investigative report;

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

- b) Provide each party with the answers given by any party or witness within five school days of receiving the questions; and
- c) Allow for additional, limited follow-up questions and responses from each party to occur within two school days after the parties have received responses to their initial questions.

Questions and evidence about a complainant's sexual predisposition or prior sexual behavior will not be considered, unless the questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The decision-maker(s) will explain to the party proposing the questions any decision to exclude a question as not relevant.

The decision-maker(s) will issue a written determination regarding responsibility to the Title IX Coordinator, the Superintendent, and all parties simultaneously within thirty school days after all follow-up questions have been responded to or after the hearing, if one has been provided.

To reach this determination, the decision-maker(s) will use clear and convincing evidence standard which is the standard of evidence that will be applied in all formal complaints of sexual harassment. This standard is understood to mean concluding that a fact is highly probable to be true.

The written notice of the determination regarding responsibility will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of any applicable District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct* to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the District is imposing on the respondent, and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to the complainant; and
- f) The District's procedures and permissible bases for the complainant and respondent to appeal.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**Finality of Determination Regarding Responsibility

The determination regarding responsibility becomes final either on the date that the District provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Where a determination regarding responsibility for sexual harassment has been made against the respondent, remedies will be provided to a complainant and disciplinary sanctions may be imposed on a respondent. Remedies will be designed to restore or preserve equal access to the District's education program or activity. Remedies and disciplinary sanctions will be implemented in accordance with applicable laws and regulations, as well as any District policy, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

The Title IX Coordinator is responsible for the effective implementation of any remedies and/or disciplinary sanctions. The Title IX Coordinator will work with other individuals as necessary to effectively implement remedies and/or disciplinary sanctions.

Appeals

Either party may file an appeal from a determination regarding responsibility or from the District's dismissal of a formal complaint or any of its allegations. Appeals must be submitted in writing to the Title IX Coordinator within ten school days of the written notice of the determination regarding responsibility or dismissal of the formal complaint or any of its allegations.

An appeal may only be based upon one or more of the following bases:

- a) Procedural irregularity that affected the outcome of the matter;
- b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- c) The Title IX Coordinator, investigator, or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

The bases on which a party is seeking an appeal should be specifically stated in the party's written appeal.

Upon receipt of an appeal, the District will:

- a) Notify the other party in writing that an appeal has been filed and implement appeal procedures equally for both parties;

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

- b) Ensure that any decision-maker for the appeal:
  - 1. Is not the same person as any decision-maker that reached the initial determination regarding responsibility or dismissal, investigator, or Title IX Coordinator;
  - 2. Does not have any conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent;
- c) Give all parties a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome. Parties will have to submit these written statements within ten school days after the parties have been notified of the appeal;
- d) Issue a written decision describing the result of the appeal and the rationale for the result; and
- e) Provide the written decision simultaneously to the Title IX Coordinator, the Superintendent, and all parties within ten school days after receiving the parties written statements in support of, or challenging, the outcome.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The District prohibits retaliation against any individual for the purpose of interfering with his or her Title IX rights or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing under Title IX.

Charging an individual with *Code of Conduct* or other applicable violations that do not involve sex discrimination, including sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation. Charging an individual with a *Code of Conduct* or other applicable violation for making a materially false statement in bad faith during a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

All complaints alleging retaliation will be handled in a manner consistent with the District's policies and procedures regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

If the Title IX Coordinator is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another Title IX Coordinator, if the District has designated another individual to serve in that capacity. If the District has not designated another Title IX Coordinator, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the Title IX Coordinator.

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)****Finding That Sexual Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

**Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

**Confidentiality**

Except where disclosure may be permitted or required by law or regulation, the District will keep confidential the identity of any:

- a) Individual who has made a report or complaint of sex discrimination;
- b) Individual who has made a report or filed a formal complaint of sexual harassment;
- c) Complainant;
- d) Individual who has been reported to be the perpetrator of sex discrimination;
- e) Respondent; and
- f) Witness.

**Training**

The District will ensure that:

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

- a) All Title IX Coordinators, investigators, decision-makers, or persons who facilitate an informal resolution process receive training on:
1. The definition of sexual harassment as defined in Title IX;
  2. The scope of the District's education program or activity;
  3. How to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
  4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- b) All decision-makers receive training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant.
- c) All investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.
- d) All District employees receive training on mandatory reporting obligations and any other responsibilities that they may have relative to Title IX.

Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment. Training materials will be made publicly available on the District's website.

**Notification**

The District will notify students, parents or legal guardians of students, employees, applicants for employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District of this policy.

Further, the District will prominently publish this policy and the contact information for the Title IX Coordinator(s) on its website and in other publications, including in each handbook or catalog that it makes available to the individuals and entities referenced above.

**Recordkeeping**

For a period of seven years, the District will retain the following:  
(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

- a) Records of each sexual harassment investigation including any:
  - 1. Determination regarding responsibility;
  - 2. Audio or audiovisual recording or transcript required under law or regulation;
  - 3. Disciplinary sanctions imposed on the respondent; and
  - 4. Remedies provided to the complainant designed to restore or preserve equal access to the District's education program or activity.
- b) Any appeal and its result.
- c) Any informal resolution and its result.
- d) All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.
- e) For each response to sexual harassment where the District had actual knowledge of sexual harassment in its education program or activity against a person in the United States, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the District must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the District's education program or activity. If a District does not provide a complainant with supportive measures, then the District must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the District in the future from providing additional explanations or detailing additional measures taken.

20 USC § 1092(f)(6)(A)(v)  
20 USC § 1681, et. seq.  
34 USC § 12291(a)(8, 10, and 30)  
34 CFR Part 106  
Education Law § 13  
8 NYCRR § 100.2(kk)

(Continued)

## Community Relations

**SUBJECT: TITLE IX AND SEX DISCRIMINATION (Cont'd.)**

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District  
#6121 -- Sexual Harassment in the Workplace  
#7550 -- Dignity for All Students  
District *Code of Conduct*

First Reading: August 10, 2021  
Second Reading: August 24, 2021  
Adoption:

## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES****Overview**

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses the provision of equal educational opportunities to students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of any legally protected class or category including, but not limited to: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; marital status; pregnancy; parental status; weight; ethnic group; or religious practice. Further, the District provides equal access to its facilities to any group listed in Title 36.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination. The District will promptly:

- a) Respond to reports of discrimination;
- b) Ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections;
- c) Impose disciplinary measures;
- d) implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)):

Michael I DeVito, Esq.  
235 Lido Boulevard  
Lido Beach, NY 11561  
516-897-2090  
[mdevito@lbeach.org](mailto:mdevito@lbeach.org)

Michele Natali, Ed.D.  
235 Lido Boulevard  
Lido Beach, NY 11561  
516-897-2112  
[mnatali@lbeach.org](mailto:mnatali@lbeach.org)

**Educational Services for Married/Pregnant Students**

The opportunity to participate in all of the programs and activities of the District will not be restricted or denied because of pregnancy, parenthood, or marriage. Pregnant students will be encouraged to remain and participate in District programs. The forms of instruction provided to these students may include any or all of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;

(Continued)

## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)**

- b) Receive home instruction;
- c) Attend BOCES programs.

The Superintendent or designee, in consultation with student services staff, the school physician, and the student's personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of these students.

**Reporting Allegations of Discrimination**

In order for the District to implement this policy, and to take corrective action as warranted, it is important that students who believe that they have been a victim of discrimination, as well as any other person who has knowledge of or witnesses any possible discrimination, report the alleged conduct or incident as soon as possible. Reports of discrimination may be made orally or in writing to any District employee including, but not limited to, a teacher, building principal, or CRCO.

All District employees who witness or receive an oral or written report of discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*.

**Grievance Process for Complaints of Discrimination**

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and will promptly take appropriate action to protect students from further discrimination.

Various District policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) and/or Dignity Act Coordinator(s) (DAC(s)) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

(Continued)

## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)**

If an investigation reveals that discrimination has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's *Code of Conduct*.

**Finding That Sexual Harassment Did Not Occur**

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Compliance Officer will so notify the complainant, the alleged offender and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to District policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that sexual harassment did not occur.

**Knowingly Makes False Accusations**

Employees and/or students who *knowingly* make false accusations against another individual as to allegations of harassment may also face appropriate disciplinary action.

**Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Where appropriate, follow-up inquiries will be made to ensure that the discrimination has not resumed and that those involved in the investigation have not suffered retaliation.

Age Discrimination Act of 1975, 42 USC § 6101 et seq.  
Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.  
Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.  
Title IV of the Civil Rights Act of 1964, 42 USC § 2000c et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.

Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.  
28 CFR Part 35  
34 CFR Parts 100, 104, 106, 110, and 270  
45 CFR Part 86  
Civil Rights Law §§ 40, 40-c, and 47-b  
Education Law §§ 10-18, 313, 2801, 3201, and 3201-a  
New York State Human Rights Law, Executive Law § 290 et seq.  
8 NYCRR § 100.2  
9 NYCRR § 466 et seq.

NOTE: Refer also to Policies  
#3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the District  
#3421 -- Title IX and Sex Discrimination  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
District *Code of Conduct*

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