

**EQUAL OPPORTUNITY AND NONDISCRIMINATION**

The Board of Education, its officers and employees, shall not discriminate against any student, employee or applicant on the basis of race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, disability or predisposing genetic characteristic. The district will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

*Annual Notification*

At the beginning of each school year, the district shall publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, eligible students and the community. The public notice shall:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to sex, race, color, national origin or disability;
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the district.

The Assistant Superintendent has been designated to handle inquiries regarding the district's non-discrimination policies. Contact information for the Assistant Superintendent is available on the district's website. Complaints of sexual harassment or discrimination are covered by policy 0110.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref:     5020.1 Sexual Harassment  
                  9010.2 Sexual Harassment of Employees  
                  5020.2 Racial Harassment  
                  5311.3 Student Complaints and Grievances  
                  9140.1 Staff Complaints and Grievances

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*  
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*  
(nondiscrimination based on race, color, and national origin in federally assisted programs)  
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*  
(nondiscrimination based on race, color, and national origin in employment)  
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*  
(nondiscrimination based on sex)  
§504, Rehabilitation Act of 1973, 29 U.S.C. §794  
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*  
Genetic Information Nondiscrimination Act of 2008 P.L. 110-233  
34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25  
Executive Law §290 *et seq.* (New York State Human Rights Law)  
Education Law §§313(3), 3201, 3201-a

Adoption date: May 24, 2010

## EQUAL OPPORTUNITY AND NONDISCRIMINATION REGULATION

The procedures set forth in this regulation do not supersede any protection complainants are provided under existing state or federal law.

### *Definitions*

1. *Complainant* shall mean an applicant, employee or student who alleges that there has been a violation of the Civil Rights Act of 1964, as amended, Section 504 or the Americans with Disabilities Act (ADA) or associated regulations which affect him/her.
2. *Complaint* shall mean any alleged violation of the Civil Rights Act of 1964, as amended, Section 504 or ADA or associated regulations.
3. *Compliance Officer* shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under the Civil Rights Act of 1964, Section 504 and the ADA.

The resolution of applicant, staff or student complaints alleging any action prohibited by the Civil Rights Act of 1964, as amended, Section 504 of the Rehabilitation Act or the ADA shall be dealt with in the following manner:

### *A. Stage I--Compliance Officer*

1. Within 30 days after the events giving rise to the allegation, the complainant shall file a complaint in writing with the Compliance Officer. The Compliance Officer may informally discuss the complaint with the complainant. He/She shall promptly investigate the matter. All employees and students of the school district shall cooperate with the Compliance Officer in such investigation.
2. Within 15 days of receipt of the complaint, the Compliance Officer shall make a finding in writing that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA. In the event the Compliance Officer finds that there has been a violation, he/she shall propose a resolution of the complaint.
3. If the complainant is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the complaint, the complainant may, within 15 days after he/she has received the report of the Compliance Officer, file a written request for review by the Superintendent of Schools.

### *B. Stage II--Superintendent of Schools*

1. The Superintendent may request that the complainant, the Compliance Officer, student, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the complaint and the facts surrounding it.
2. The Superintendent shall notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statements supplementing their position in the case. Such hearing shall be held within 15 school days of the receipt of the appeal by the Superintendent.

3. Within 15 days of the hearing, the Superintendent shall render his/her determination in writing. Such determination shall include a finding that there has or has not been a violation of the Civil Rights Act, Section 504 of the Rehabilitation Act or the ADA, and if applicable, a proposal for equitably resolving the complaint.
4. If the complainant is not satisfied with the determination of the Superintendent, the complainant may, within 15 days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

*C. Stage III--Board of Education*

1. When a request for review by the Board has been made, the Superintendent shall submit all written statements and other materials concerning the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant. All parties concerned shall have the right to present further statements and testimony at such hearing.
3. The Board shall render a decision in writing within 15 days after the hearing has been concluded.

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