

**GRIEVANCE PROCEDURE FOR ANTI- HARASSMENT  
AND ANTI-DISCRIMINATION  
(TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, TITLE VI AND TITLE VII  
OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT  
AND THE AMERICANS WITH DISABILITIES ACT GRIEVANCE POLICY)**

The Skaneateles Central School District (“District”) is committed to creating and maintaining a working and learning environment which is free of discrimination, harassment and intimidation as required by federal and state law and the District’s policies. The District strictly prohibits communication (verbal, (oral/written) or graphic) and/or physical conduct that constitutes harassment or discrimination based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation (the term "sexual orientation" means heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived), age, marital status, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression), or disability.

The District also prohibits discrimination, harassment and intimidation based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of non-discrimination and anti-harassment will be enforced on all District premises, including buildings and grounds, and at all school- sponsored events, athletics, programs and activities, including those that take place at locations off school premises.

It is intended that this policy apply to the dealings between or among employees with employees; employees with students; students with students; and employees/students with vendors/contractors and other school visitors, volunteers, guests or third parties on school grounds, at school sponsored events and activities, or engaging in activities subject to the supervision and control of the District.

**Claims of Harassment or Discrimination should be sent to:**

Section 504/ADA Compliance Officer:  
Jennifer Whipple  
72 State Street, Skaneateles, NY 13152  
[jwhipple@skanschools.org](mailto:jwhipple@skanschools.org)  
Ph: 315-291-2226

DASA Compliance Officer:  
Eric Knuth, Superintendent of Schools  
45 East Elizabeth Street, Skaneateles, NY 13152  
[eknuth@skanschools.org](mailto:eknuth@skanschools.org)  
Ph: 315-291-2221

Title IX Compliance Officer:  
Gregory Santoro  
45 East Elizabeth Street, Skaneateles, NY 13152  
[gsantoro@skanschools.org](mailto:gsantoro@skanschools.org)

High School Principal  
Michael Caraccio  
49 East Elizabeth Street, Skaneateles, NY 13152  
[mcarraccio@skanschools.org](mailto:mcarraccio@skanschools.org)

Middle School Principal  
Michael Olley  
35 East Street, Skaneateles, NY 13152  
[molley@skanschools.org](mailto:molley@skanschools.org)

Primary/Elementary Principals

JoAnna Schmeling, Waterman School  
55 East Street, Skaneateles, NY 13152  
[jschmeling@skanschools.org](mailto:jschmeling@skanschools.org)

John Lawrence, State Street School  
72 State Street, Skaneateles, NY 13152  
[jlawrence@skanschools.org](mailto:jlawrence@skanschools.org)

***\*Complaints may be filed with any of the administrators listed and need not be filed with ALL administrators***

**GRIEVANCE PROCEDURE FOR ANTI- HARASSMENT  
AND ANTI-DISCRIMINATION  
(TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, TITLE VI AND TITLE  
VII OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION  
ACT AND THE AMERICANS WITH DISABILITIES ACT GRIEVANCE POLICY)**

The District strictly prohibits all forms of harassment, intimidation and discrimination on District premises and in District buildings; including all academic, athletic and school sponsored events.

This policy should not be read to abrogate other District policies or District Code of Conduct regulations prohibiting other forms of unlawful discrimination, inappropriate behavior, or hate crimes within this District. It is the intent of this District that all such policies and regulations be read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities.

Any person who believes that they have been subject to discrimination or harassment may file a grievance under this procedure. It is against the law for the District to retaliate against anyone who files a formal or informal grievance or complaint, or cooperates, participates or conducts the investigation of a grievance.

Any staff that observe, witness, or receive reports of acts of harassment or discrimination should intervene to address the harassment and promptly report the incident to the building administrator or to the District's Compliance officer for further action.

Anyone who is in violation of the District policy or regulation will be subject to disciplinary or corrective action, as warranted.

**Complaints and Grievances by Students:**

Students will be afforded the opportunity to present complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulations, and the District's Code of Conduct.

**Complaints and Grievances by Employees:**

Employees of the District shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. Should the offending individual be a District employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct and any applicable collective bargaining agreement. Complaints or grievances not covered under employee contracts shall be handled and resolved through proper administrative channels established by the District.

## **Complaints and Grievances by Third Parties:**

Third parties (such as school volunteers, vendors/contractors, etc.) shall also have the opportunity to present their complaints and grievances free from interference, coercion, restraint, discrimination or reprisal. If third parties are found to have violated District policy or regulations, they will be subject to appropriate sanctions as warranted and in compliance with law and the District's Code of Conduct.

## **Definitions**

**"Prohibited Discrimination of Employees."** Prohibited discrimination of employees can take the form of any negative treatment of an employee, by either a District student, District employee or official, or a third party engaged in District sponsored activities which: a) has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as the basis for employment decisions (including terms and conditions of employment) affecting such individual, and/or creates an intimidating, hostile or offensive work environment; or otherwise negatively impacts an employee's employment opportunities, employment benefits, or results in the employee's exclusion from any program or activity; and b) is based upon the employee's race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression) or marital status. Prohibited discrimination of employees can also take the form of harassment even where there is no tangible impact upon the employee's employment opportunities or employment benefits. The phrase "prohibited discrimination" as used in this regulation includes all forms of "prohibited harassment" (defined below).

**"Prohibited Discrimination of Students."** Prohibited discrimination of students can take the form of any negative treatment of a student, by either a fellow student, District employee, or third party engaged in District sponsored activities which: a) has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in educational or extracurricular activity, and/or creates an intimidating, hostile or offensive learning environment; and/or results in the student's exclusion from any educational opportunity, program, or benefit; and b) is based upon the student's race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression), or marital status. Prohibited discrimination of students can also take the form of harassment even where there is no tangible impact upon the student's educational opportunities. The phrase "prohibited discrimination" as used in this regulation includes all forms of "prohibited harassment" (defined below).

**"Prohibited Harassment of Employees."** Harassment can constitute a form of prohibited discrimination under this regulation if it is unwelcome and has the purpose or effect of unreasonably interfering with an individual's work performance, or creating an intimidating, hostile or offensive working environment. Such harassment of employees is prohibited if it is based upon race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender

(including identity and expression) or marital status. In this regard, individuals should be mindful that conduct or behavior that they may find acceptable, amusing or inoffensive, others may view it as unwelcome, abusive or offensive, and therefore should regulate their behavior or communications accordingly.

**"Prohibited Harassment of Students."** Harassment can constitute a form of prohibited discrimination if it is unwelcome and has the effect of making a student uncomfortable while at the District or otherwise creates a hostile learning environment. Such harassment of students is prohibited if it is based upon race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity or expression), or marital status. In this regard, individuals should be mindful that conduct or behavior that they may find acceptable, amusing or inoffensive, others may view it as unwelcome, abusive or offensive, and therefore should regulate their behavior or communications accordingly.

**"Prohibited Behavior."** While all forms of unlawful harassment and discrimination cannot be listed, the following is a list of examples of conduct that may constitute harassment, intimidation or discrimination:

- Using slurs or derogatory terms based on race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression) or marital status;
- Telling derogatory jokes or stories based on race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression) or marital status;
- Displaying graffiti or other derogatory or insulting writings based on race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression) or marital status;
- Making degrading comments about a person and/or his/her appearance based on race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression), or marital status;
- Demeaning or criticizing an individual because of his/her race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression), or marital status;
- Sabotaging, damaging, or interfering with an individual's work or learning because of that individual's race, color, creed, religion, national origin, disability, political affiliation,

age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression), or marital status;

- Threatening or intimidating an individual because of his/her race, color, creed, religion, national origin, disability, political affiliation, age, sex, sexual orientation, military status, veteran status, weight, ethnic group, religious practice, gender (including identity and expression), or marital status.

This list is not all-inclusive, merely examples. While a single incident of these types of behavior may or may not create a hostile working/learning environment, if such behavior is severe, persistent or pervasive, or if submission to such conduct is made either explicitly or implicitly a term or condition of employment or receipt of employment/academic benefits, such conduct constitutes prohibited discrimination.

### **Authority and Responsibility**

It is the responsibility of all District students and employees to ensure that their behavior, conduct and communication remain free of harassment and discrimination. Furthermore, each administrator and supervisor has the responsibility to maintain a positive, safe and respectful environment, which includes discussing the District policy pertaining to harassment and discrimination with all students and employees, and assuring students and employees that they are not required to endure insulting, degrading or exploitative treatment, and clearly communicating expectations and possible ramifications for violations of this policy. Administrators and supervisors must ensure that all employees who are mandated reporters under NYS Social Service Law (Article 6, Title 6, Section 413) report any incidents of harassment and discrimination. While students are encouraged to report any such incidents of harassment or discrimination, they are not required to do so nor should they be otherwise compelled to do so.

### **Complaint and Investigation Process**

All complaints of harassment or discrimination, whether written or oral, formal or informal, will be thoroughly investigated to determine whether the totality of the alleged behavior and circumstances may constitute harassment, intimidation or discrimination in violation of this policy and relevant federal and state law and regulation. Any individual who believes she/he has been subjected to harassment or discrimination, or has reason to know of and/or witnesses any incident of harassment or discrimination by a District student, employee, or other third party engaged in District sponsored activities, has the right to submit a complaint to the District. Complaints may be made orally, and the absence of a written complaint does not negate the District's responsibility to investigate such allegations as thoroughly as possible.

District complaint investigators must conduct a thorough investigation of a complaint, and then will generate a written report of investigation findings and identify any action taken to resolve the complaint within timeframes as established by the District, identify any interim measures or supports provided pending the completion of the investigation, and identify appeal rights and any steps or measures to be taken to prevent recurrence of discrimination or harassment or to correct its discriminatory effects, as appropriate.

## **First Step in Grievance Procedure**

Any individual of the above-named groups who believes they have been subjected to harassment or discrimination in the District environment or at a District -sponsored activity, including those District-sponsored activities that take place off District premises, shall promptly report such occurrence to his/her building principal/supervisor, unless that building principal/supervisor is the source of the complaint, in which case the complaint would be taken directly to the appropriate Title IX, or 504 compliance officer or another building administrator, who is then responsible for forwarding the complaint to the appropriate compliance officer. The compliance officers and their contact information are listed on the front page of this policy.

In the event that a compliance officer is the alleged respondent, the investigation will be referred to another compliance officer, or an administrator at the next level of supervising authority.

All building principals and supervisors who receive an oral or written complaint based on any of the above-named groups shall contact the DASA, Title IX or Section 504 compliance officer for assistance/direction in conducting an investigation, and must promptly forward the written complaint to the compliance officer(s).

The written complaint should identify the problem or the conduct or action alleged to be discriminatory, intimidating or harassing, the date and time and location where such conduct occurred, the names of the alleged offender(s) and/or witnesses, the date the complaint is submitted, and the remedy or relief sought, if known.

The DASA Coordinator, Title IX or Section 504 Compliance officer, or other investigator, shall either personally conduct the investigation or arrange for its completion by other qualified individuals. The compliance officer or investigator shall ensure that the complainant and respondent are informed of their rights, including the right to present information, evidence and witnesses for consideration in the investigation.

Utilization of these District complaint guidelines does not preclude an individual from pursuing other avenues of legal recourse. However, if the individual reports such occurrence to any other District employee, the individual shall be informed of the employee's obligation to report the complaint to the administration/building principal. The administrator who is made aware of the occurrence of possible harassment or discrimination, whether or not a complaint has been filed, is required to promptly report the incident(s) to the building principal and designated Title IX and/or Section 504 compliance officer.

### **Other agencies an individual might contact include:**

New York Enforcement Office for Civil Rights  
U.S. Department of Education  
32 Old Slip, 26th Floor  
New York, New York 10005-2500  
Phone: 646-428-3900

New York State Div. of Human Rights  
333 E. Washington Street  
Room 543  
Syracuse, New York 13202  
Phone: (315) 428-4633

Fax: 646-428-3843  
TDD: 877-521-2172  
E-mail: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

## **Complaint Procedure**

### Notification Procedure

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination or harassment is encouraged, regardless of the alleged offender's identity or position.

A student, employee or other individual who feels aggrieved because of harassment or discrimination has several ways to make his/her concerns known:

- 1.) A complainant who feels comfortable doing so should directly inform the person(s) engaging in the harassment, intimidation or discrimination that such conduct or communication is offensive and must stop. Confronting the offender is NOT required. All individuals retain the right to file a good faith complaint without first communicating with the offender;
- 2) A complainant who does not wish to communicate directly with the individual whose conduct or communication is offensive, or if direct communication with the offending party has been unavailing, should contact his/her building principal/supervisor, a compliance officer, or a District administrator to make a report;
- 3) A complainant alleging a failure to timely address a complaint, or retaliation for their involvement in a prior complaint or investigation, should contact the appropriate compliance officers and a building principal/supervisor/administrator.

### Complaint

All complaints should be in writing. However, complaints may be filed orally and the absence of a written complaint does not negate the District's responsibility to investigate such allegations as thoroughly as possible. Since an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination, all complaints, however initially communicated, should be documented in writing.

To facilitate the reporting process, complaint forms can be obtained from any building principal's or guidance counselor's office or from the DASA, Title IX or Section 504 compliance officer. If a student, parent/legal guardian, and/or employee has any questions or difficulty completing the complaint form, she/he can obtain assistance from any teacher, guidance counselor, building principal or compliance officer. All complaints should include: the name of the complaining party; the name of the alleged offender(s); date of the incident(s); description of the incident(s); names of witnesses to the incident(s) or those with other pertinent information regarding the

discrimination/harassment; the date the complaint is being submitted to school officials; and the signature of the complainant.

Employees, students or visitors who *knowingly* make false accusations against another individual as to allegations of discrimination, intimidation or harassment may face appropriate disciplinary action or other consequences.

Once the written complaint is generated, it should be either personally delivered, communicated electronically, or mailed to a building principal/supervisor/administrator or to the appropriate compliance officer or placed in one of their school office mailboxes. Failure to properly submit a complaint may delay the initiation of the investigation.

Where appropriate under the circumstances, complainants are encouraged to cooperate with the District's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees, vendors, other third parties, and students having relevant or related knowledge or information.

#### Time for Reporting a Complaint

Prompt reporting of a complaint is strongly encouraged. All students and employees should be aware that appropriate resolution of discrimination or harassment complaints, and effective remedial action, often is possible only when complaints are promptly filed. Statutes of limitations may constrain the time period for instituting legal actions as well.

#### Confidentiality and Privacy

To the extent possible, within the legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted; any disclosure will be provided on a "need to know" basis. The Superintendent will inform the Board of Education of investigations involving findings of discrimination or harassment.

Individuals interviewed or participating in the investigation will be instructed not to discuss the complaint, the investigation or the persons involved except as part of the investigation process.

#### Acknowledgment of Complaints

Upon receipt of a written complaint, the compliance officer, building principal/supervisor/administrator will confirm with the complainant the initiation of an investigation. If the complainant does not receive such confirmation promptly, she/he is encouraged to file a copy of the first complaint or a second written complaint or contact a compliance officer or building principal/supervisor or administrator. The purpose of this acknowledgment procedure is to ensure that all written complaints are received in a timely manner, properly processed and promptly investigated.

## **Investigation Procedures**

### Timing of Investigation

The District will promptly investigate all allegations of prohibited discrimination and harassment. The compliance officer will notify the complainant and the accused as to the course of action within twenty (20) working days following receipt of the written complaint. If additional time is necessary to complete the investigation, the investigator will notify the parties and the Superintendent of the basis for extension, up to an additional twenty (20) working days, and will provide an anticipated date for completion of the investigation. An extension beyond 40 working days should be requested from the Superintendent and shall be granted only upon good cause shown.

### Method of Investigation

Investigations will be conducted by the District compliance officer, the District legal counsel, or other impartial persons as appropriate. The primary purposes of the investigation will be to determine:

- Did the alleged conduct or action occur?
- Did the alleged conduct or action violate District relevant policy and regulations, or any of the Title IX or Section 504 (or other additional) laws?
- What remedial or preventative steps, if any, are recommended?

Investigations may include: fact-finding interviews; document review; depositions; observations; or other reasonable methods. The District investigator should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by the District employees or agents conducting an investigation shall be deemed confidential and privileged to the extent allowed by law.

All parties, including the complainant and respondent, will be provided an opportunity to provide witnesses or other evidence for consideration during the investigation of the complaint.

### Interim and Remedial Measures

The investigator or compliance officer may identify and arrange any necessary interim and remedial measures or preventive steps deemed necessary to ensure the safety of both the complainant and school community or to address the alleged discriminatory impact of the complained of behavior during and following the investigation of the complaint. Such measures may include, but are not limited to, peer support group and/or counseling, corrective instruction or other learning or service experiences, schedule or seating modification, and supportive interventions such as targeted use of supervision or additional support, evaluation, conferences/meetings, no-contact agreements and/or mediation (voluntary).

The District will offer counseling and academic support services, as necessary and appropriate, to any person found to be subjected to harassment, and where appropriate, counseling to the person who committed the harassment.

#### Consequences or Actions

Based upon the results of the investigation, if the investigator determines that an employee and/or student or visitor has violated the terms of this policy, employment terms and conditions, the Code of Conduct, and/or other federal and state laws, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension or removal, in accordance with applicable laws and/or regulations, the District's policy and regulation and the Code of Conduct. Should the offending individual be an employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the applicable Collective Bargaining Agreement(s) and federal and state law and regulation. Third parties, such as school volunteers, visitors or vendors, who are found to have violated this policy and/or relevant federal and state laws or regulations, or the Code of Conduct, will be subject to appropriate sanctions as warranted, in compliance with law. The application of such disciplinary or corrective measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

#### Notification of the Results of the Investigation

The compliance officer, building administrator or their designee shall notify the complainant and respondent of the determination regarding the allegation within twenty (20) working days unless, for good cause, the investigation has not been concluded. If the investigation has not concluded, notification to the complainant and respondent shall be in writing, advising that the investigation is continuing, and an estimated date of completion and determination shall be given.

If the investigation has concluded, notification to the complainant and respondent shall be in writing, including a brief summary of the factual findings to date, and, whenever possible, shall include a summary of remedial measures that have been or will be taken by the District.

While reasonable efforts will be made to inform the complaining party about the outcome of the investigation and actions taken, the District will consider the privacy rights of all parties involved in disseminating information obtained during and through the investigation, as well as other applicable laws, regulations and policies which may constrain such disclosures.

The District Superintendent or his/her designee, shall promptly notify the person accused of violating Title IX or Section 504 (or other laws/regulations) whether a violation of this policy was found and what remedial measures, if any, will be taken.

At any stage or level of the investigation, if a determination is made that harassment, intimidation or discrimination did not occur, the investigator will notify the complainant and the respondent and the Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to the policy and/or pursuing other legal avenues of recourse.

Even if a determination is made that harassment, intimidation or discrimination did not occur, the Superintendent or their designee reserves the right to initiate action steps to prevent incidents of harassment or discrimination, such as student and staff awareness and training, conducting surveys to determine conditions which may contribute to problematic behavior, education and workshops, community intervention, school based workshops and seminars regarding respect, tolerance and promoting a positive school community, among others, to help ensure that the school community is not conducive to fostering or permitting harassment, intimidation or discrimination.

In all cases, the Superintendent will inform the Board of Education of the results of each investigation involving a finding that harassment, intimidation, or discrimination occurred.

### **Remedial Measures**

The District's primary goal in responding to complaints of prohibited discrimination and harassment is intended to prevent all forms of unlawful discrimination and harassment in the District and put an end to any prohibited discrimination and harassment that are found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination. During the investigation being conducted pursuant to this policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or conduct which may be prohibited may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations. Disciplinary action may include, but is not limited to: counseling; warnings; suspension; or discharge from school or employment. Any third party found to have engaged in discrimination or harassment of a student or an employee may be barred from District property.

### **Prohibition Against Retaliation**

Retaliation is strictly prohibited by law against anyone who in good faith reports a suspected violation, who assists in making such a complaint, or who cooperates in a discrimination or harassment investigation. Retaliation means taking any adverse action in response to a complaint being made.

Complaints of retaliation should be brought directly to the appropriate compliance officer and building principal/supervisor/administrator. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including suspension (student), termination from employment (employee), or in the case of a business non-employee, an appropriate remedy up to and including termination of the business relationship. Any employee, student or visitor who knowingly makes false accusations of retaliation may also face appropriate disciplinary actions or consequences, in accordance with District policy and regulations, the Code of Conduct, and federal and state law and regulation.

## **Appeal to Superintendent**

Any complainant or accused party who wishes to appeal the determination of the investigator or the procedures followed in the course of the investigation may do so within ten (10) working days of receipt of the written notification of the investigation outcome. Untimely appeals will only be excused upon good cause shown; otherwise they shall not receive consideration.

Appeals must be submitted in writing to the Superintendent of schools, or, if the Superintendent is the subject of the complaint, to the Board of Education designee. In conducting the review of the initial determination, the Superintendent, or the Board's designee, will consider the underlying report and documentation considered by the compliance officer and investigator, in conjunction with the allegations set forth in the appeal. Such review shall be conducted in a competent and impartial manner. The appellant shall be entitled to present evidence as to why the investigation procedures were flawed, improper, or otherwise not in compliance with this regulation; and investigator or, as appropriate, the appellee, shall be entitled to rebut such evidence.

The District retains sole discretion to determine the appropriate disciplinary or corrective action to be taken with regard to a meritorious complaint, consistent with applicable laws, regulations District policy and the appropriate collective bargaining agreements, as appropriate. The Superintendent or the Board's designee will notify the appellant and appellee, in writing of the determination of the appeal within thirty (30) days. If additional time is required to complete the review and/or to take appropriate action, the parties will be notified with a written status report and an anticipated decision date will be identified.

Any party not satisfied with the outcome of the initial level of appeal may appeal to the Board of Education within ten (10) days of receipt of the determination. Any appeal must be submitted, in writing, to the District Clerk or the Board President.

## **Appeal to Board**

In the event that an appeal is filed with the Board, the Superintendent (or the Board's designee, in the event that the underlying complaint was related to the Superintendent<sup>1</sup>), shall submit all written statements and other materials and determinations concerning the case to the Board of Education's impartial designee for the appeal.

The Board's designee will review the underlying determinations and the appeal, and may request clarifying written statements from the parties, as needed. The Board's designee shall review the matter and issue an impartial determination within twenty (20) working days of the appeal, in writing. If additional time is needed, a written status report shall be submitted to all parties indicating the need for additional time and the proposed deadline for the determination.

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<sup>1</sup> The Board must designate an impartial alternate to serve as their designee, if upon review, their original designee served as the investigator on the initial appeal.

## **Record Keeping**

The District shall maintain a written record of all complaints of discrimination and harassment prohibited by Title IX and Section 504 for a period of at least six years. The District shall also document the steps taken with regard to investigations, conclusions reached, and remedial action taken, if any. The District shall maintain these documents for, at a minimum, six years. All other related records shall be maintained in accordance with the New York State Records Retention ED-1 Schedule.

## **Questions**

Any questions about this policy should be brought to the attention of appropriate compliance officer or the building principal/supervisor/administrator.

## **Dissemination**

This policy, including a copy of the complaint form, is available in the District student handbook, teacher/faculty handbook, employee manual, administrative manual and on the District website.

Age Discrimination in Employment Act, 29 USC § 621  
Americans with Disabilities Act, 42 USC § 12101 et seq.  
§ 504 of the Rehabilitation Act of 1973, 29 USC § 794 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 of the Education Amendments of 1972, 20 USC § 1681 et seq.  
Education Law § 2801(1)  
Executive Law § 290 et seq.  
October 26, 2010 OCR Dear Colleague Letter (Harassment and Bullying)  
April 4, 2011 OCR Dear Colleague Letter (Sexual Violence)  
April 24, 2015 OCR Dear Colleague Letter (Title IX Guidance)

NOTE: Refer also to Policies #6120 -- Equal Employment Opportunity #6121 -- Sexual Harassment of District Personnel

#6122 -- Employee Grievances #7550 -- Dignity for All Students

#7551 -- Sexual Harassment of Students District Code of Conduct

Adoption Date: August 8, 2018

**DISCRIMINATION OR HARASSMENT COMPLAINT FORM**

Name of Complainant: \_\_\_\_\_

Role of complainant: \_\_\_\_\_ Student \_\_\_\_\_ Employee \_\_\_\_\_ Other: (identify) \_\_\_\_\_

Contact information: Phone: \_\_\_\_\_ e-mail: \_\_\_\_\_

Name of alleged offender(s) \_\_\_\_\_

Where did the incident occur? \_\_\_\_\_

When did the incident occur? \_\_\_\_\_

What was your involvement in the incident?

I was directly involved                       I observed the incident                       I heard about the incident

Describe the incident of harassment or discrimination, including the time, specific location, the events which occurred, and any witnesses who may have information.  
(continue on another page, if needed)

Names of possible witnesses: \_\_\_\_\_

Do you have any documentation or records regarding the incident?  
If yes, please identify and attach: \_\_\_\_\_

What types of bias were involved? (check all that apply):

Race                       Color                       National Origin                       Ethnic Group                       Weight  
 Gender Identity/Expression                       Gender                       Sex                       Sexual Orientation  
 Disability                       Religion                       Religious Practice                       Other (please list): \_\_\_\_\_

Was there any physical injury as a result of the incident?

If yes, please identify and describe: \_\_\_\_\_

\_\_\_\_\_

Is the situation still occurring? \_\_\_\_\_

Have you made any prior reports regarding the individual(s) identified in the current incident?  
(when and to whom) \_\_\_\_\_

What do you think should be done about the situation? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*I certify that the information I have provided in this complaint is true, correct, and complete to the best of my knowledge and belief*

\_\_\_\_\_  
Complainant's Name (printed)

\_\_\_\_\_  
Date Submitted

\_\_\_\_\_  
Complainant's Signature

\_\_\_\_\_  
Principal/Supervisor/Administrator/  
Compliance Officer

\_\_\_\_\_  
Date Submitted

Retaliation or threats of retaliation against any person involved in an investigation of harassment or discrimination, including those who initiate a complaint, participate in or conduct the investigation, is a violation of the law. If you believe that you have been subject to retaliation the basis of your involvement or cooperation with the investigation, please notify:

Connor Brown, School Business Manager  
45 East Elizabeth Street, Skaneateles, NY 13152  
[connorbrown@skanschools.org](mailto:connorbrown@skanschools.org)  
Ph: 315-291-2221