

OGDENSBURG CITY SCHOOL DISTRICT
OGDENSBURG, NEW YORK

SUBJECT: Final Review and Adoption of Revised Board of Education Policy/Regulation #3420 Non-Discrimination and Anti-Harassment in the District

DATE: February 22, 2021

REASON FOR BOARD CONSIDERATION:

The Board of Education must review and approve all policies and regulations of the Ogdensburg City School District.

FACTS AND ANALYSIS:

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.

RECOMMENDED ACTION:

Moved by _____ and supported by _____
that, having the approval of the Superintendent of Schools, the Board of Education of the Ogdensburg City School District does hereby adopt the Revised Board of Education Policy #3420 Non-Discrimination and Anti-Harassment in the District, this 22nd day of February 2021.

APPROVED FOR PRESENTATION TO THE BOARD:


Superintendent

KK/alf
Attachment

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 impose disciplinary measures and implement remedies when warranted.

(Continued)

**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 Officer(s) (CRCO(s)).

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 in certain circumstances.

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 document does not preclude action under another related District policy or document.

(Continued)

**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*. These determinations may depend upon a number of factors, including, but not limited to: the particular conduct or incident at issue; the ages of the parties involved; the context in which the conduct or incident took place; the relationship of the parties to one another; the relationship of the parties to the District; and the protected class or characteristic that is alleged to have been the basis for the conduct or incident. The examples below are intended to serve as a general guide for individuals in determining what may constitute discrimination and/or harassment. These examples 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 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.

(Continued)

**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 generally do not constitute harassing conduct.

Civil Rights Compliance Officer

*The District has designated the following District employee(s) to serve as its CRCO(s):

Kevin K. Kendall, Superintendent of Schools
Jacquelyn L. Kelly, Assistant Superintendent for Curriculum, Instruction, Assessment & Technology
1100 State Street, Ogdensburg, New York 13669
315-393-0900, ext. 31901, 31902

kkendall@ogdensburgk12.org

jkelly@ogdensburgk12.org

The CRCO(s) 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 CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), 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 CRCO, or by any other means that results in the CRCO 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 CRCO.

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.

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

(Continued)

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

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 to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and/or harassment based on any legally protected class and will promptly 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.

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*.

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.

(Continued)

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

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.

Notification

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication 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 developed 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.

(Continued)

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

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.

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*

Adopted by the Ogdensburg City School District on: February 22, 2021

REGULATION

2021

3420R

1 of 7

Community Relations

SUBJECT: GRIEVANCE PROCESS FOR COMPLAINTS OF DISCRIMINATION AND/OR HARASSMENT

Overview

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.

The District implements this grievance process 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 to those who report conduct or incidents of discrimination and/or harassment ("complainants") and alleged offenders ("respondents"), and impose disciplinary measures and implement remedies when warranted.

The District's Civil Rights Compliance Officer(s) (CRCO(s)) will oversee the District's grievance process for all complaints of discrimination and/or harassment. Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remediating complaints of discrimination and/or harassment.

Inquiries about this grievance process may be directed to the CRCO(s).

Scope and Application

This regulation outlines the District's grievance process for addressing complaints of discrimination and/or harassment generally. This regulation 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.

(Continued)

REGULATION

2021

3420R
2 of 7

Community Relations

SUBJECT: GRIEVANCE PROCESS FOR COMPLAINTS OF DISCRIMINATION AND/OR HARASSMENT (Cont'd.)

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 regulation in certain circumstances.

Other District documents such as policies, 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 regulation.

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

Definitions

For purposes of this grievance process, 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.

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 CRCO, or by any other means that results in the CRCO 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 CRCO in District policy #3420 -- Non-Discrimination and Anti-Harassment in the District.

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)

REGULATION

2021

3420R
3 of 7

Community Relations

SUBJECT: GRIEVANCE PROCESS FOR COMPLAINTS OF DISCRIMINATION AND/OR HARASSMENT (Cont'd.)

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

The District will investigate all complaints of discrimination and/or harassment regardless of the form in which those complaints are made. However, individuals may request and use District form #3420F -- Discrimination, Harassment, and/or Retaliation Complaint Form, to make a complaint of discrimination, harassment, and/or retaliation. This form may be obtained from the CRCO or found on the District's website. Completing this form as thoroughly as possible will assist the District in providing for the prompt, thorough, and equitable resolution of complaints of discrimination, harassment, and/or retaliation.

In addition to complying with this regulation, 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).

Withdrawal of a Complaint

If a complainant attempts to withdraw his or her complaint, the CRCO will determine, with the assistance of any individual or other appropriate third party or legal counsel designated to investigate the complaint, whether the withdrawal request was caused by retaliatory behavior, harassment, undue pressure, or fear of those actions. In the event the CRCO determines the withdrawal request was not prompted by the above factors, he or she will document the complainant's reasons for the withdrawal, ask the complainant to sign the documentation, and terminate the investigation, provided that action is not inconsistent with the District's legal obligations.

If the request to withdraw the complaint is the result of retaliatory behavior, harassment, undue pressure, or the fear of those actions, or if the investigation must be carried out to ensure compliance with relevant District obligations, the investigation will continue and interim measures will be taken to protect the alleged victim, the complainant, and/or witnesses, as appropriate.

Investigation of Complaints of Discrimination and/or Harassment

During the investigation of a complaint, the CRCO 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 or legal counsel. The outsourcing of all or part of an investigation does not relieve the District from its obligation to comply with law and regulation.

(Continued)

**SUBJECT: GRIEVANCE PROCESS FOR COMPLAINTS OF DISCRIMINATION
AND/OR HARASSMENT (Cont'd.)**

While timelines for investigating complaints of discrimination and/or harassment will vary depending upon the scope and complexity of the matter, it is anticipated that most investigations will be completed within *60 calendar days after receiving a complaint. The investigator will inform the Superintendent or designee if extenuating circumstances require additional time for the investigation to be completed. Written notification will also be provided to all parties regarding the need for additional time.

All complaints of discrimination and/or harassment will be investigated in a prompt, thorough, and equitable fashion, consistent with the following procedures:

- 1) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate.

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.

- 2) All complaints of discrimination and/or harassment will be investigated regardless of the form in which those complaints are made. For oral complaints, the individual will be encouraged to complete the complaint form, which is available on the District website, in writing. If he or she refuses, a complaint form based on the oral report will be prepared. The complainant will be provided a copy of the completed complaint form.
- 3) Within **three business days of receiving the complaint, the CRCO will notify the complainant, in writing, that his or her complaint has been received. The investigator will begin the investigation promptly.
- 4) During an investigation, all parties will have equal opportunities to present witnesses and evidence. Further, 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.

(Continued)

REGULATION

2021

3420R
5 of 7

Community Relations

**SUBJECT: GRIEVANCE PROCESS FOR COMPLAINTS OF DISCRIMINATION
AND/OR HARASSMENT (Cont'd.)**

- 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, regulation, procedure, or other document such as the District's *Code of Conduct* regarding the questioning of students.
 - c. Create a written report of the investigation (such as a letter, memo, or email), which may contain 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;
 - 4. A summary of prior relevant incidents, reported or unreported; and
 - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
 - d. Keep any documents associated with the investigation in a secure and confidential location.
- 5) Upon completing the investigation, the investigator will promptly submit a written report detailing his or her findings to the Superintendent or designee.
- 6) The complainant and the respondent will be informed, in writing, of the investigator's findings as to whether or not discrimination and/or harassment occurred.

After the investigation has concluded, either party may submit additional information to the CRCO that was previously unavailable and would materially impact the findings of the investigation. The District, in its sole discretion, will determine whether and to what extent this information will be considered, and whether additional action(s) should be taken.

The Superintendent or designee will inform the Board of the results of each investigation of discrimination and/or harassment.

The filing of a complaint, and/or the rendering of a decision regarding the complaint will in no way prohibit, prevent, or limit an individual from taking appropriate legal action in accordance with state and federal laws and regulations.

(Continued)

REGULATION

2021

3420R
6 of 7

Community Relations

SUBJECT: GRIEVANCE PROCESS FOR COMPLAINTS OF DISCRIMINATION AND/OR HARASSMENT (Cont'd.)

All investigations will be conducted in a manner consistent with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Finding That Discrimination and/or Harassment Occurred

If the District's investigation results in a finding that discrimination and/or harassment occurred, the District will take appropriate action which may include disciplinary measures. Actions will vary depending on the respondent's relationship to the District. Actions that may be taken include, but are not limited to:

- 1) For respondents that are District employees, disciplinary measures up to and including termination.
- 2) For respondents that are students, disciplinary measures up to and including expulsion.
- 3) For respondents that are (or are employed by) contractors, subcontractors, vendors, consultants, or other persons providing services pursuant to a contract in the workplace, sanctions up to and including loss of District business.
- 4) For respondents that are volunteers, loss of volunteer status.
- 5) For respondents that are either a visitor, guest, or other third party, expulsion from District premises and/or school activities or events under the control and supervision of the District.

All actions taken will be 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 Discrimination and/or Harassment Did Not Occur

If, at any point during the District's investigation, a determination is made that the discrimination and/or harassment did not occur, the CRCO will notify the parties involved and the Superintendent or designee.

However, even if a determination is made that discrimination and/or harassment did not occur, the Superintendent or designee reserves the right to initiate student and staff training to help ensure the school community is committed to preventing and addressing discrimination and/or harassment.

(Continued)

REGULATION

2021

3420R
7 of 7

Community Relations

**SUBJECT: GRIEVANCE PROCESS FOR COMPLAINTS OF DISCRIMINATION
AND/OR HARASSMENT (Cont'd.)**

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.

The complainant, the respondent, and any witnesses will be directed to refrain from talking about the investigation while it is pending.

Additionally, parents or legal guardians of students accused of, or subjected to, possible discrimination and/or harassment may be notified by the appropriate administrator of the alleged conduct or incident as warranted.

NOTE: Refer also to Regulations #3420F -- Discrimination, Harassment, and/or Retaliation Complaint Form
#3420F.1 -- District Response to Complaint Form
#3421F -- Title IX Formal Complaint Form
#6121F -- Complaint Form for Sexual Harassment in the Workplace
#7550R -- Dignity for All Students
#7550F -- Dignity Act Complaint Form
District Code of Conduct

**OGDENSBURG CITY SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, AND/OR RETALIATION COMPLAINT FORM**

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: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; and marital status.

If you believe that you have been subjected to or have witnessed discrimination, harassment, and/or retaliation, you are encouraged to report it to the District. You will not be retaliated against for making a report.

The District will promptly respond to reports of discrimination, harassment, and/or retaliation, 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 impose disciplinary measures and implement remedies when warranted.

Instructions

The District will investigate all complaints of discrimination and/or harassment regardless of the form in which those complaints are made. However, this form may be used to make a report of discrimination, harassment, and/or retaliation.

Once completed, it should be submitted to the District's Civil Rights Compliance Officer (CRCO) in person or by mail, email, or other method made available by the District. Completing this form as thoroughly as possible will assist the District in providing for the prompt, thorough, and equitable resolution of all allegations. Inquiries about the completion or submission of this form may be directed to the District's CRCO or a trusted staff member with whom you feel comfortable.

*The District has designated the following District employee(s) to serve as its CRCO(s):

Kevin K. Kendall, Superintendent of Schools

Jacquelyn L. Kelly, Assistant Superintendent for Curriculum, Instruction, Assessment & Technology

1100 State Street, Ogdensburg, New York 13669

315-393-0900, ext. 31901, 31902

kkendall@ogdensburgk12.org

jkelly@ogdensburgk12.org

If you are more comfortable reporting orally or in another manner, the person to whom you report the discrimination, harassment, and/or retaliation will complete this form, provide you with a copy, and follow any required processes.

You may use additional sheets of paper if needed and attach any relevant materials or evidence to this complaint form.

(Continued)

**OGDENSBURG CITY SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, AND/OR RETALIATION REPORT FORM (Cont'd.)**

Information about the Complainant*(The person who is making the report of discrimination, harassment, and/or retaliation)*

First and last name: _____

Complainant's relationship to the District:

(Check all that apply)

- | | | |
|--|------------------------------------|---|
| ☐ Student | ☐ Employee | ☐ Job applicant |
| ☐ Parent/legal guardian | ☐ Volunteer | ☐ Contractor/subcontractor/vendor/consultant |
| ☐ Student teacher | ☐ Intern | ☐ Other _____ |

Primary building or location: _____

Further details including, if applicable, grade or title: _____

Complainant's contact information:

Address: _____

Home phone: _____ Cell phone: _____ Work phone: _____

Email: _____

Select preferred communication method:

- ☐
- Home phone
- ☐
- Cell phone
- ☐
- Work phone
- ☐
- Email
- ☐
- In-person

Information about the alleged victim*(The person alleged to have experienced the discrimination, harassment, and/or retaliation.)*Is the complainant the alleged victim? ☐ Yes ☐ No*If the complainant is not the alleged victim, complete the following as thoroughly as possible.*

First and last name: _____

Alleged victim's relationship to the District:

(Check all that apply)

- | | | |
|--|------------------------------------|---|
| ☐ Student | ☐ Employee | ☐ Job applicant |
| ☐ Parent/legal guardian | ☐ Volunteer | ☐ Contractor/subcontractor/vendor/consultant |
| ☐ Student teacher | ☐ Intern | ☐ Other _____ |

Primary building or location: _____

Further details including, if applicable, grade or title: _____

(Continued)

**OGDENSBURG CITY SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, AND/OR RETALIATION REPORT FORM (Cont'd.)**

Alleged victim's contact information:

Address: _____

Home phone: _____ Cell phone: _____ Work phone: _____

Email: _____

Information about the Respondent

(The person alleged to have perpetrated the discrimination, harassment, and/or retaliation.)

First and last name: _____

Respondent's relationship to the alleged victim:

☐ Classmate ☐ Teacher ☐ Student ☐ Supervisor
☐ Subordinate ☐ Co-worker ☐ Other _____

Respondent's relationship to the District:

☐ Student ☐ Employee ☐ Job applicant
☐ Parent/legal guardian ☐ Volunteer ☐ Contractor/subcontractor/vendor/consultant
☐ Student teacher ☐ Intern ☐ Other _____

Primary building or location: _____

Further details including, if applicable, grade or title: _____

Respondent's contact information:

Address: _____

Home phone: _____ Cell phone: _____ Work phone: _____

Email: _____

Information about the Alleged Incident(s)

(Check all that apply)

- ☐ Discrimination -- Generally stated, discrimination consists of the differential treatment of an individual or group of people on the basis of their membership in a legally protected class.
- ☐ Harassment -- Generally stated, harassment consists of subjecting an individual, on the basis of his or her membership in a legally protected class, to unwelcome conduct and/or communications.
- ☐ Retaliation -- Generally stated, retaliation consists of subjecting an individual to adverse action because the individual participated in a legally protected activity.

(Continued)

**OGDENSBURG CITY SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, AND/OR RETALIATION REPORT FORM (Cont'd.)**

Information about Previous Reports

Have you previously reported or provided information (oral or written) about this or related incidents? If yes, when and to whom did you report information to? What was the remedy, outcome, or resolution?

Information about Legal Counsel

If you have obtained legal counsel and would like us to work with them, provide their name and contact information:

Additional Information

Did you use additional sheets of paper and/or attach any relevant materials or evidence in completing this form? ☐ Yes ☐ No

If yes:

Indicate how many additional sheets of paper have been attached: _____

Identify all relevant materials and evidence that have been attached: _____

I certify that the facts in this report are true to the best of my knowledge, information, and belief.

First and last name: _____

Signature: _____

Date: _____

For District Use Only

Complaint initially received on: _____

(Continued)

**OGDENSBURG CITY SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, AND/OR RETALIATION REPORT FORM (Cont'd.)**

Form initially completed by:

☐ The complainant

☐ _____ based on an oral report
(name and title)

☐ _____ based on a written report
(name and title)

☐ Other _____

Indicate to whom and the date that this complaint was forwarded, if at all: _____
