

Policy Information

Series 6000 - Students

Protection of Students from Discrimination, Sexual Harassment and Retaliation

Policy # 6180

POLICY

2018 6180

Students

SUBJECT: Protection of Students from Discrimination, Sexual Harassment and Retaliation

This policy shall be provided to all students in writing and it shall be posted at Partnership sites and on the Partnership website.

PROHIBITIONS

Discrimination and Harassment Prohibited: The Genesee Valley Educational Partnership (the “Partnership”) prohibits discrimination including sexual harassment against students[1] on all illegal bases including sex, gender identify or expression, race, color, sexual orientation, national origin, age, religion, and disability. This prohibition applies to all persons, in all Partnership program and on all Partnership premises. Such discrimination and sexual harassment are illegal under federal and state law, and are forms of misconduct.

Retaliation Prohibited: Retaliation is any adverse action taken against a person due to that person having made a discrimination or harassment complaint, having assisted in a discrimination or harassment investigation or having testified or otherwise assisted in any proceeding under this policy or under the law. Adverse action against a student may be related to educational opportunity, such as denied access to academic programs or activities; or it may be unrelated to educational opportunity, such as threats or insults. Retaliation is illegal under federal law and state law. It is a form of misconduct. It is prohibited by the Partnership.

COMPLAINTS

Internal Victim and Witness Complaints: Victims of and witnesses to discrimination, harassment or retaliation are urged to report to their teacher, their building principal, the District Superintendent, the Assistant Superintendent, the Chief Human Resources Officer or any other administrator.[2] A complaint form is provided below. However, if a complainant or witness prefers to report in any other manner - such as verbally, using a different form or by reporting to some other Partnership employee - that preference will be respected and the complaint will be acted upon irrespective of the manner in which it is made.

Internal Supervisory Reporting: Supervisory personnel are required to report any discrimination, harassment or retaliation complaint they receive - or any discrimination, harassment or retaliation they observe or otherwise become aware of - to the District Superintendent, the Assistant Superintendent or the Chief Human Resources Officer. Supervisory personnel who fail to report or who deliberately permit sexual harassment will be subject to discipline or remediation.

INVESTIGATIONS

All complaints and legitimate suspicions of discrimination, harassment or retaliation against a student will be investigated in a timely manner. To every extent consistent with the law, all students and employees are required to cooperate with internal investigations. The Partnership cannot guarantee unconditional confidentiality but will endeavor to maintain confidentiality to every extent practicable.

While the investigatory process may vary from case to case and will be commensurate with the severity of the complaint, investigations will typically be conducted in accordance with the following steps:

- Upon receipt of a complaint, the District Superintendent, the Assistant Superintendent, the Chief Human Resources Officer or a designee will conduct an investigation. If the initial complaint is verbal, the complainant will be encouraged to also complete the attached complaint form. If the complainant chooses not to, the investigator will prepare the complaint form based on the verbal report.
- If documents, emails, electronic communications or phone records are known to be relevant to the investigation, steps will be taken to obtain and preserve them.
- The complainant, the accused and witnesses will be interviewed. They will be instructed to maintain confidentiality to the extent permitted by law.
- An investigation report will be written. It will include:
 - A list of all documents reviewed, along with a copy or description;
 - A list of the names of those interviewed, along with a detailed summary of their statements;
 - A timeline of events;
 - A summary of prior relevant incidents, reported or unreported; and
 - The action taken at the conclusion of the investigation. This section of the report will often be written separately and as an addendum to the initial report.

OUTCOMES: DISCIPLINE AND REMEDIATION

Any employee who engages in discrimination, harassment or retaliation will be subject to disciplinary and/or remedial action. Discipline may include termination of employment. Remedial action may include additional sexual harassment prevention training, warnings and counseling. Employees who sexually harass may also be found liable for the payment of monetary damages.

Any student who engages in discrimination, harassment or retaliation will be subject to disciplinary and/or remedial action, consistent with the Partnership's Code of Conduct.

The specific outcome of the investigation will depend on many factors - including the investigation findings, whether the investigation was conclusive or inconclusive, prior misconduct, prior attempts at remediation, applicable law and any applicable collective bargaining agreements.

Notifications of Outcome: If consistent with applicable legal requirements and considerations of confidentiality, the complainant and the accused will be notified of the final determination and of any corrective action to be taken.

[1] The protection of employees, contractors and others from discrimination, sexual harassment and retaliation is addressed in Board Policy 5180.

[2] See www.gvboces.org for names and contact information.

YOUR INFORMATION:

Name: _____ Grade: _____

SPECIFIC COMPLAINT:

1. The name of the person(s) about whom you are complaining:

Name: _____ Title: _____

This person is a ___ An employee, ___ A student, or ___ other, please specify: _____

2. Describe the conduct or incident(s) that are the basis of this complaint. Use additional paper if necessary.

3. Date(s) the conduct occurred if known: _____

Is the conduct presently continuing? ___ Yes ___ No

4. List the name and contact information of any witnesses or individuals that may have information related to your complaint. Use additional paper if necessary.

5. Have you previously complained or provided information (verbal or written) about this complaint? If yes, when and to whom? _____

Print Name: _____ Date: _____

Signature: _____

Discrimination Prevention Policy Student (11.16.18)