

SUBJECT: EMPLOYEE NON-DISCRIMINATION GRIEVANCE PROCEDURE**Statement of Non-Discrimination**

The District is committed to providing an educational environment that is free from all forms of discrimination and harassment based on an employee's race, color creed, ethnicity, national origin, religion, disability, sexual orientation, age, sex (including sexual harassment, sex discrimination, sexual assault, sexual violence and gender based harassment), predisposing genetic characteristics, marital status, military status, domestic violence victim status or any other legally protected characteristic by State or Federal law. As such, the District has a strong commitment to providing an environment conducive to maintaining the dignity of all its employees and encouraging an efficient, productive and creative work environment. Through this Grievance Procedure, the District will take steps to prevent the recurrence of harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Discrimination: Discrimination includes the use of race, color creed, ethnicity, national origin, religion, disability, sexual orientation, age, sex (including sexual harassment, sex discrimination, sexual assault, sexual violence and gender based harassment), predisposing genetic characteristics, marital status, military status, domestic violence victim status or any other legally protected characteristic as a basis for treating another in a negative manner.

Discrimination also encompasses harassment (including sexual and gender-based harassment, sexual assault and sexual violence), which includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing or demeaning. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature. Sexual violence is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence under New York law includes but is not limited to acts such as rape, sexual assault, sexual battery, and sexual coercion.

Students, employees and third parties are prohibited from engaging in discriminatory acts. The District considers compliance with this discrimination policy to be essential and hereby instructs all of its students, employees and agents to conduct themselves in accordance with this policy. Employees who believe they have witnessed or been subjected to discrimination in the educational environment by another District employee, student or third party, such as volunteers, vendors, contractors or visitors, must promptly report such alleged discrimination in accordance with the complaint procedure set forth below.

1. **Grievant** shall mean an employee who alleges that s/he has been discriminated against based on his/her membership in a protected category.
2. **Grievance** shall mean any alleged violation/discrimination based on one's membership in a protected category.

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3. **Compliance Officer** shall mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities under State and Federal law with regard to non-discrimination, and to receive complaints of harassment. The District's current Title IX Compliance Officer (who also handles complaints of discrimination) is:

Brian Devincenzi, Assistant Superintendent for Support Services
Wallkill Central School District
1500 Route 208, P.O. Box 310
Wallkill, New York 12589
Tel. No.: (845) 895-7102

The District's current Section 504/ADA Compliance Officer is:

Tara Rounds, Assistant Superintendent for Special Education and Intervention Services
Wallkill Central School District
1500 Route 208, PO Box 310
Wallkill, New York 12589
Tel. No.: (845) 895-7104

4. **Representative** shall mean any person designated by the grievant as his/her counsel or to act on his/her behalf.

Individual complaints and grievances shall be handled in accordance with the following guidelines:

Stages**A. Stage 1 - Compliance Officer**

1. Within thirty (30) days after the events giving rise to the grievance, the grievant shall file a grievance orally or in writing with the appropriate Compliance Officer including the date, time, place and specifics of the incident, including the names of witnesses, if any, who may be able to corroborate the employee's allegations regarding the discriminatory actions, and any evidence that may be relevant to the grievance. (Oral grievances may be reduced to writing in order to ensure accuracy and consistency). All employees shall be entitled to a representative should they desire. The Compliance Officer shall promptly begin investigating the complaint and discussing the grievance with the grievant within ten (10) business days of receipt of the complaint.
2. The Compliance Officer shall promptly initiate and coordinate a thorough and impartial investigation and shall review any evidence that has been presented, and meet with the employee and any named witnesses. The Compliance Officer will also meet with any named student and/or third parties offered by the employee or any other individual that the Compliance Officer believes will aid in the investigation. All parties to the complaint, including any student, District employee and/or third party, shall cooperate with the Compliance Officer in such investigation.

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3. Within thirty (30) days of the receipt of the grievance, the Compliance Officer shall make a finding in writing that discrimination based on the grievant's membership in a protected category has or has not occurred and shall inform the grievant and the alleged harasser of the outcome of the investigation within ten (10) business days of making the determination. (Should the Compliance Officer be unable to render his decision in the specified amount of time, the Compliance Officer shall notify the grievant of such delay within five (5) days of when the Compliance Officer is aware of the delay). In the event the Compliance Officer finds that there has been a violation, he shall propose a resolution of the complaint.
4. If the grievant or the accused is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant or the accused may, within thirty (30) days after s/he has received the report of the Compliance Officer, file a written request for review by the Superintendent.

B. Stage II – Appeal to the Superintendent of Schools

1. The Superintendent may request that the grievant, the Compliance Officer, student, third party or any member of the school district staff present a written statement setting forth any information that such person has relative to the grievance 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/or written statements supplementing their position in the complaint. Such hearing shall be held within thirty (30) days of receipt of the appeal by the Superintendent.
3. Within thirty (30) 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 discrimination based on the grievant's membership in a protected category, and/or a proposal for equitably resolving the complaint. The grievant and the alleged harasser shall be informed of the outcome of the Superintendent's determination within ten (10) business days of making the determination.
4. If the grievant or accused is not satisfied with the determination of the Superintendent, the grievant may, within thirty (30) days after the date of the determination, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III – Final Appeal to the Board of Education

1. When a request for review by the Board of Education has been made, the Superintendent shall submit all materials relative to the case to the President of the Board.
2. The Board shall notify all parties concerned of the time and place when review of the record will be held. Such hearing will be held within thirty (30) days of the receipt of the request of the grievant. The Board shall only review those documents that have been presented during Stages I and II of the grievance procedure.

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3. The Board shall render a decision in writing within thirty (30) days after the hearing has been concluded. The grievant and the alleged harasser shall be informed of the outcome of the Board's decision within ten (10) business days of making the determination.

Non-Retaliation

The Wallkill Central School District prohibits any retaliatory behavior, including, but not limited to intimidation, reprisal, and harassment, directed against grievants, witnesses or any individual who engages in protected activity. (A protected activity involves making a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing regarding the rights set forth in the Nondiscrimination Statement, or similar activities, such as advocating for those rights) Follow-up inquiries shall be made to ensure that discrimination has not resumed and that the grievant and/or witnesses have not suffered retaliation.

Confidentiality

All grievances shall be held in confidence and disclosed only to the extent necessary for purposes of investigation or as required by law.

Employee Complaints to Agencies

The District acknowledges that while it would like employees to raise issues of discrimination pursuant to this policy and regulation so that they can be addressed by the District, any employee has the legal right to immediately make a complaint to the appropriate governmental entity:

Equal Employment Opportunity Commission (EEOC) at the New York District Office, 33 Whitehall Street, 5th Floor, New York, New York, 10004; to the New York State Division of Human Rights at 8 John Walsh Blvd. Suite 204 Peekskill, New York 10566; or to the U.S. Department of Education, Office of Civil Rights, New York Regional Office, 32 Old Slip, 26th Floor, New York, New York 10005

Please take notice that the failure to file a complaint with these agencies within the statutory period may foreclose your rights to have your allegations addressed.