

SUBJECT: STUDENT 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 a student's race, color, creed, ethnicity, national origin, religion, religious practice, disability, sexual orientation, age, sex (including sexual harassment), gender (identity, and expression, or nonconformity to gender stereotypes), weight, predisposing genetic characteristics, marital status, military status, and 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 students and encouraging a productive and creative learning environment.

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. Students who believe they have witnessed or been subjected to discrimination in the educational environment by another student, District employee 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. Claims of sex discrimination and sexual harassment that fall under Title IX will be handled under the District's separate Title IX grievance procedure.

1. **Grievant** shall mean a student 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.
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. The District's current Compliance Officer is:

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

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

Stages**A. Stage 1 - Compliance Officer or his/her Designee**

1. Within thirty (30) days after the events giving rise to the grievance, the grievant shall file a grievance in writing with the Compliance Officer and/or his/her designee including the date, time, place and specifics of the incident, including the names of witnesses, if any, who may be able to corroborate the student's allegations regarding the discriminatory actions, and any evidence that may be relevant to the grievance. (Oral grievances shall also be accepted but may be reduced to writing in order to ensure accuracy and consistency). The Compliance Officer and/or his/her designee shall promptly investigate the complaint and discuss the grievance with the grievant. All parties to the complaint, including any student, District employee and/or third party, shall cooperate in such investigation.
2. The Compliance Officer and/or his/her designee shall promptly initiate and coordinate a thorough and impartial investigation and shall review any evidence that has been presented, and meet with the student and any named witnesses. The Compliance Officer and/or his/her designee will also meet with any named District employee and/or third parties offered by the student or any other individual that the Compliance Officer and/or his/her designee believes will aid in the investigation.
3. Within thirty (30) days of the receipt of the grievance, the Compliance Officer shall make a finding 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. The findings may be issued in writing as deemed appropriate by the Compliance Officer. (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). 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 is not satisfied with the finding of the Compliance Officer, or with the proposed resolution of the grievance, the grievant 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.

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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.
4. If the grievant 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 – 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.
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.

SUBJECT: STUDENT NON-DISCRIMINATION GRIEVANCE PROCEDURE**Non-Retaliation**

The Wallkill Central School District prohibits any retaliatory behavior, including, but not limited to intimidation, reprisal, and harassment, directed against grievants and/or witnesses in an investigation pursuant to this grievance procedure. 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.

Student Complaints to Governmental Agencies

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

Office for Civil Rights
New York District Office
U.S. Department of Education
32 Old Slip, 26th Floor
New York, New York 10005
Tel.: (646) 428-3900

Division of Human Rights
1 Fordham Plaza, Fourth Floor
Bronx, NY 10458
Tel: (888) 392-3644
complaints@dhr.ny.gov

Please take notice that the failure to file a complaint within the statutory period may result in the loss of your legal rights.

Revised: 10/16/14; 10/8/19; 9/21/22