

THREE VILLAGE CENTRAL SCHOOL DISTRICT

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MISSION STATEMENT

The Board of Education recognizes that to govern effectively, it must clearly define why the District exists and what it aspires to be. The Board therefore adopts the following mission statement to convey the District's purpose

Mission Statement

The mission of the Three Village Central School District, in concert with its families and community, is to provide an educational environment which will enable each student to achieve a high level of academic proficiency and to become a well-rounded individual who is an involved, responsible citizen.

Adoption Date: December 1991

Revised: March 1996
 December 11, 2001
 May 26, 2009

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0100

EQUAL OPPORTUNITY

The Board of Education, its officers and employees, shall not discriminate against any student, employee or applicant on the basis of race, color, national origin, creed, religion, military status, marital status, sex, age, sexual orientation, disability, predisposing genetic characteristic, or any other characteristic protected by law.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref: 5030, Student Complaints and Grievances
9140.1, Staff Complaints and Grievances

Ref: Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201-a

Adoption Date: December, 1991

Revised: January 27, 2009

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0110

SEXUAL HARASSMENT

Sexual harassment is against federal and state law. The Board is committed to maintaining an educational and working environment free from such harassment, and therefore prohibits sexual harassment of students and employees in the District. The District will establish detailed policies and regulations for both students and employees which address definitions, protections, prohibited behavior (including retaliation), prevention activities, training/education, complaint reporting, investigations, and consequences.

Cross-ref:

0110.1, Sexual Harassment of Students

0110.2, Sexual Harassment of Employees

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.*

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

Education Law §§10-18 (Dignity for All Students Act)

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Faragher v. City of Boca Raton, 524 U.S. 775 (1998)

Burlington Industries v. Ellerth, 524 U.S. 742 (1998)

Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Cannon v. University of Chicago, 441 U.S. 677 (1979)

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*

Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*

Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Adoption Date: October 10, 2000

Reviewed: October 30, 2008

Revised: September 26, 2018

October 17, 2018

July 8, 2020

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SEXUAL HARASSMENT OF STUDENTS

The Board of Education recognizes that harassment of students on the basis of actual or perceived sex, gender identity and expression, and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For the purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression... Sexual harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual's actual or perceived sex, sexual orientation, and/or gender identity and expression, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of a student's education;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting a student's education; or
- c. the conduct has the purpose or effect of unreasonably interfering with a student's school performance or creating an intimidating, hostile or offensive work or educational environment, even if the complaining individual is not the intended target of the sexual harassment;

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (0110.1-R).

The Board is committed to providing an educational environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the District, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when harassment is done by electronic means (including on social media).

Sanctions will be enforced against all those who engage in sexual harassment, or retaliation, and against District personnel who knowingly allow such behavior to continue.

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Sexual harassment may subject the District to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the reference section. The District's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the District will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the District finds that a person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, District policy and state law.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial or privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, the Board directs that training programs be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy, or a simplified version, will be posted in a prominent place in each District facility, on the District's website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The Policy Committee will convene to review this policy's effectiveness as needed.

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Cross Ref: 0115, Harassment, Hazing and Bullying

Ref: Education Amendments of 1972, Title IX, 20 U.S.C.§1681 *et seq.* 34 CFR 106 *et seq.*
Education Law §§10-18 (The Dignity for All Students Act)
Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
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Adoption Date: October 10, 2000

Reviewed: October 30, 2008

Revised: September 26, 2018

October 17, 2018

July 8, 2020

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SEXUAL HARASSMENT OF STUDENTS REGULATION

This regulation is intended to create and preserve an educational environment free from unlawful sexual harassment on the basis of actual or perceived sex, gender identity and expression, and/or sexual orientation, in furtherance of the District's commitment to provide a healthy and productive environment for all students that promotes respect, dignity and equality.

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's actual or perceived sex, gender, or sexual orientation, when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile, or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

Unacceptable Conduct

School-related conduct that the District considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;

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2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc., or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments;
3. unwelcome and offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g. pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about individual's clothing, appearance, or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "rating lists"; howling, catcalls, and whistles; sexually graphic computer files, messages, or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual or orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flipups", "pantsing" or "spiking" (pulling down someone's pants or swimming suit), pinching, placing hands inside an individual's pants, skirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or derogatory, or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's actual or perceived sex, sexual orientation, gender identity or expression, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;

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- b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual's actual or perceived sex, sexual orientation, and/or gender expression or identity;
- c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's actual or perceived sex, sexual orientation, or gender.

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student, did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the District, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when the harassment is done by electronic means (including social media).

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, persistent and/or pervasive, and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behaviors from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment;
2. the type, frequency, and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

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Reporting Complaints

Students who believe they been the target of sexual harassment related to the school setting are encouraged to report complaints as soon as possible after the incident in order to enable the District to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student is also encouraged to report the incident or behavior to the District. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator; however, students may go to any District employee with sexual harassment complaints.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or the Title IX coordinator.

In order to assist investigators, targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the target's response to the harassment.

Confidentiality

It is District policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses; (*See "Retaliation Prohibited"*)
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation

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If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the harassment and preventing the harassment of others.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator will conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

As soon as possible, but no later than five working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action they want taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, instruct the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0110-E) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with, or retaliates against the target, he/she will be subject to immediate disciplinary action.

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6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
9. Involvement and Notification
 - a. Parents/guardians of student targets and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. If either the target or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
 - c. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
 - d. The investigator will report back to both the target and the accused, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator will instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
 - e. The investigator will notify the target that if they desire further investigation and action, they may request a District level investigation by contacting the Superintendent of Schools. The investigator will also notify the target of their right to contact the New York State Division of Human Rights or the U.S. Department of Education's Office for Civil Rights.
10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
 - a. A list of all documentation and other evidence reviewed, along with a detailed summary;
 - b. A list of names of those interviewed along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The final resolution of the complaint, together with any corrective action(s).

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If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who will then take prompt disciplinary action in accordance with District policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a District employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent will promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the District for investigation.

The District level investigation should begin as soon as possible but not later than five working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal District level investigation, the District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator

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will provide all parties with a written status report within 30 days following receipt of the complaint.

The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings.

External Remedies

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations shall be construed to limit the rights of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates may be subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties and Consequences

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary and/or remedial action. Measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

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Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

“Non-employees”: (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including limitation of future access to school property.

False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Training

All students and employees will be informed of this policy and regulation in student and employee handbooks, on the District website, and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student body officers shall receive District training about the policy at the beginning of each school year.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment.

Building Principals are responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the target.

Revised: June 2001
 October 17, 2018
 July 8, 2020

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0110 – E.1

THREE VILLAGE CENTRAL SCHOOL DISTRICT SEXUAL HARASSMENT COMPLAINT FORM

New York State requires all employers to adopt a sexual harassment policy that includes a complaint form for individuals to report alleged incidents of sexual harassment. If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Building Principal or the Title IX Coordinator. Once you submit this form, the District must follow its sexual harassment policy and investigate any claims. If you are more comfortable reporting verbally or in another manner, we are still required to follow our sexual harassment policy by investigating the claims as outlined at the end of this form.

Name of Complainant:	Where did this alleged incident occur?
Home Address:	Work Address:
Home Phone/Cell Phone:	Work Phone:
Parent/Guardian (<i>if applicable</i>):	Immediate Supervisor's Name: Supervisor's Title: Supervisor's Phone:
Parent Guardian Home Phone/Cell Phone (<i>if applicable</i>):	
How do you prefer we communicate with you? <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> In person If email, please indicate email address: _____	
Your complaint of Sexual Harassment is made against: _____	
Did this alleged incident result from the conduct of a student and/or employee? <input type="checkbox"/> Student(s) <input type="checkbox"/> Employee(s) <input type="checkbox"/> Unknown	
If employee, is employee your supervisor? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please describe the specific nature or conduct of incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence:	

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**THREE VILLAGE CENTRAL SCHOOL DISTRICT
SEXUAL HARASSMENT COMPLAINT FORM**

Dates the alleged sexual harassment occurred:
Is the sexual harassment continuing? <input type="checkbox"/> Yes <input type="checkbox"/> No
Please list the name and contact information of any witnesses or individuals that may have information related to your complaint (<i>attach additional paper if necessary</i>):
Have you previously complained or provided information (verbal or written) about sexual harassment against the individual named above? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, when and to whom did you complain or provide information?
Have you filed a claim regarding this complaint with a federal, state or local government agency? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, which federal, state or local government agency did you file a complaint: _____
Have you instituted a legal suit or court action regarding this complaint? <input type="checkbox"/> Yes <input type="checkbox"/> No
Have you hired an attorney with respect to this incident that is the subject of this particular complaint? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is the name and phone number of your attorney: _____

I request that the Three Village Central School District investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation. I understand that those individuals authorized to investigate this matter may contact me for further information.

Signature of Complainant: _____ Date _____

Please be aware:

Once we receive a complaint about alleged sexual harassment, we must follow our sexual harassment policy by investigating the allegations through actions such as:

- Speaking with the student/employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

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SEXUAL HARASSMENT OF EMPLOYEES

The Board of Education recognizes that harassment of employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain “non-employees” (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender identity and expression, and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in the workplace is essential to ensure a healthy, nondiscriminatory environment in which employees and “non-employees” can work productively.

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. For the purposes of this policy, sexual harassment includes harassment on the basis of perceived or self-identified sex, sexual orientation, gender identity and expression, and transgender status.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Such harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex, sexual orientation, gender identity and expression, and transgender status, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual’s employment; or
- c. the conduct has the purpose or effect of unreasonably interfering with an employee’s or “non-employee’s” work or creating an intimidating, hostile or offensive work or educational environment, even if the complaining individual is not the intended target of the sexual harassment;

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (0110.2-R).

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The Board is committed to providing a working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and

strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the District, or outside the school setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees and "non-employees" travel on District business, or when harassment is done by electronic means (including on social media). For employees, sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the District to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students, employees and "non-employees" have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the reference section. Additionally, local laws (e.g. county, city, town, village) may apply to the District. The District's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the District will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the District finds that a person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, District policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial or privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

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The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached

to this policy. In addition, the Board directs that training programs be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy, or a simplified version, will be posted in a prominent place in each district facility, on the District's website, and shall also be published in employee handbooks, and other appropriate school publications.

A committee will convene to review this policy's effectiveness as needed.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.*
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*
Executive Law §296-d (prohibition of sexual harassment of non-employees)
Labor Law §201-g (required sexual harassment policy and training)
Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)
General Obligations Law §5-336 (nondisclosure agreements optional)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Adoption Date: October 10, 2000

Reviewed: October 30, 2008

Revised: September 26, 2018

October 17, 2018

July 8, 2020

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SEXUAL HARASSMENT OF EMPLOYEES REGULATION

This regulation is intended to create and preserve a working environment free from unlawful sexual harassment on the basis of perceived or self-identified sex, gender identity and expression, and/or sexual orientation, in furtherance of the District's commitment to provide a healthy and productive environment for all employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and “non-employees” (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) that promotes respect, dignity and equality.

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Such harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s perceived or self-identified sex, gender identity or expression, sexual orientation, and transgender status when:

4. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee’s or “non-employee’s” employment; or
5. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting an employee’s or “non-employee’s” employment; or
6. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee’s or “non-employee’s” work performance, or creating an intimidating, hostile, or offensive working environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

Unacceptable Conduct

School-related conduct that the District considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

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1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc., or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments;
3. unwelcome and offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g. pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about individual's clothing, appearance, or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "rating lists"; howling, catcalls, and whistles; sexually graphic computer files, messages, or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flipups", "panting" or "spiking" (pulling down someone's pants or swimming suit), pinching, placing hands inside an individual's pants, skirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or derogatory, or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's perceived or self-identified sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;

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- b. ostracizing or refusing to participate in group activities with an individual, including but not limited to, during class projects, physical education classes or field trips because of the individual's perceived or self-identified sex, sexual orientation, gender expression or identity or transgender status;
- c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex, sexual orientation, or gender.

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the employee or non-employee did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the District, or outside the school setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees or "non-employees" travel on District business, or when the harassment is done by electronic means (including social media).

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations or based on sex may constitute sexual harassment. Such conduct must rise above what a reasonable victim of discrimination with the same protected characteristics would consider petty slights or trivial inconveniences to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct altered the conditions of the employee's or "non-employee's" working environment;
2. the type, frequency, and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct a peer);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

Reporting Complaints

Employees and “non-employees” who believe they have been the target of sexual harassment in the workplace is encouraged to report complaints as soon as possible after the incident in order to enable the District to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of an employee, or “non-employee” is also encouraged to report the incident or behavior to the District. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator; however, employees and “non-employees” can report complaints to any supervisor or manager.

School employees receiving complaints of sexual harassment from employees and “non-employees” must either direct the complainant to the Building Principal or Title IX coordinator, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by employees and “non-employees” to the Principal or Title IX coordinator and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.

In order to assist investigators, targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the target's response to the harassment.

Confidentiality

It is District policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual’s need for confidentiality must be balanced with the District’s legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the District’s ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation

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If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the harassment and preventing the harassment of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator will conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

As soon as possible but no later than five working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action they want taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, ask the target to do so, providing alternative formats for individuals with disabilities, who may need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0110.2-E) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with, or retaliates against the target, he/she will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.

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7. Review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing them of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
9. Involvement and Notification
 - a. If the alleged harasser is a student, their parents/guardians will be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. If the alleged harasser is a student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.
 - c. The Principal or Title IX Coordinator (i.e., the investigator) will submit a copy of all investigation and interview documentation to the Superintendent.
 - d. The investigator will report back to both the target and the accused, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
 - e. The investigator shall notify the target that if they desire further investigation and action, they may request a District level investigation by contacting the Superintendent of Schools. The investigator will also notify the target of their right to contact the U.S. Department of Education's Office for Civil Rights.
10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
 - a. A list of all documentation and other evidence reviewed, along with a detailed summary;
 - b. A list of names of those interviewed along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The final resolution of the complaint, together with any corrective action(s).

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If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with District policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who shall then contact appropriate law enforcement authorities. Where criminal activity is alleged or suspected by a District employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent will promptly investigate and resolve all sexual harassment complaints that are referred by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

The District level investigation should begin as soon as possible but not later than five working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal District level investigation, the District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

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The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings.

External Remedies

Employee targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR), the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, info@eeoc.gov, or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

Nondisclosure Agreements

The District may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement shall be provided to all parties in plain English and, if applicable, in the primary language of the complainant. Complainants shall have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates may be subject to immediate disciplinary action, up to and including suspension or termination.

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Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment may be subject to appropriate disciplinary action. Measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

“Non-employees”: (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of District business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Training/Notification

All employees will be informed of this policy in employee handbooks, on the District website and other appropriate materials. A poster summarizing the policy shall also be posted in a prominent location at each school. The District will provide all existing employees with either a paper or electronic copy of the District's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

All students will be informed of the basic provisions of this policy and regulation (e.g., that sexual harassment of employees and “non-employees” is prohibited, as well as what is appropriate and inappropriate behavior) in student handbooks, on the District website and student registration materials. In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated on appropriate and inappropriate behavior.

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All new employees shall receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees shall be provided training at least once a year regarding this policy and the District's commitment to a harassment-free working environment. Principals, the Title IX coordinator, administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation, and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

Annual employee training programs shall be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; and (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the target.

Revised: June 2001
 October 17, 2018
 July 8, 2020

HARASSMENT, HAZING & BULLYING

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, harassment, hazing, and bullying are detrimental to student learning and achievement. These behaviors interfere with the mission of the District to educate its students and disrupt the operation of the schools. Such behavior affect not only the students who are targets, but also those individuals who participate in and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, harassment, hazing, and bullying on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the District but that materially and substantially disrupt the educational process of the school environment or impinge on the rights of students.

Definitions

For purposes of this policy, the term “harassment” is defined as the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits, or mental, emotional or physical well-being; or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety. The harassing behavior may be based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (and shall mean actual or perceived sex and shall include a person’s identity or expression).

Gender identity is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

In some instances, bullying or harassment may constitute a violation of an individual’s civil rights. The District is mindful of its responsibilities under the law and in accordance with District Policy, 0100, Equal Opportunity and Nondiscrimination and 0110, Sexual Harassment.

For the purposes of this policy, “bullying” (which is subsumed under the term “harassment”), is understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying is characterized by:

1. Power imbalance - occurs when a bully uses his/her physical or social power over a target.
2. Intent to harm - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
3. Threat of further aggression - the bully and/or the target believes the bullying will continue.
4. Terror - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.”

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least four kinds of bullying: verbal, physical, social/relational, and cyber bullying.

- Verbal bullying includes, but is not limited to, name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, and racist slurs.
- Physical bullying includes, but is not limited to, poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes, but is not limited to, excluding someone from a group with the intent of humiliating them or inducing negative feelings, isolating, shunning, spreading rumors or gossiping, arranging/engaging in public humiliation, isolation, undermining relationships, teasing about clothing or looks, giving dirty looks, aggressive stares, etc.
- Cyberbullying includes, but is not limited to, threatening electronic communications, such as instant messages, emails, texts, blogs, chat rooms, gaming systems, Facebook, Twitter, Formspring, and other social networking sites.

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or to a group of people because of the group, class or category to which that person belongs.

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

In the remainder of this policy and associated regulation the term “bullying” will be used to refer to discriminatory, harassing or hazing behaviors because that is the term most commonly used by students and parents.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key District value. A program geared to prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through District-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur. The components of such an effort involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students.
- Establishing clear school wide and classroom rules about bullying.
- Training and the provision of professional development to adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeterias, playgrounds, and school buses.
- Raising parental awareness and involvement in addressing and preventing bullying.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

In order to implement this program, the Superintendent will establish a District-wide Bullying Prevention Task Force composed of parents, staff, students and administrators, as well as Positive Behavioral Intervention and Supports (PBIS) teams in each school. The District-wide task force and the school-level team will assist the administration in developing and implementing specific procedures on early identification of bullying and other preventive strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building. In addition, intervention will focus upon the safety of the targeted student. Staff is expected, when made aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy, regulation and code of conduct.

Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by the District, intervention might require a specific, coordinated approach if a student does not feel safe at school. The District recognizes that there is a need to balance accommodations that enhance student safety against the potential of further stigmatizing the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussions and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent and the District's Professional Development Team will incorporate training to support this program in the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to, bus drivers, cafeteria staff, hall monitors, and all staff who have contact with students. In accordance with state law, the Superintendent shall ensure that at least one staff member at every school is thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender and sex. This staff member will be referred to as the Dignity Act Coordinator (DAC).

Reporting and Investigation

Students who have been bullied, parents whose children have been bullied, or other students who observe bullying behavior are encouraged to make a verbal and/or written complaint to the school's Dignity Act Coordinator. At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, district policy 0100, Equal Opportunity and Nondiscrimination or 0110, Sexual Harassment, and the district's Code of Conduct. When applicable, incidents will be included in the Violent and Disruptive Incident Reporting (VADIR) system.

Disciplinary Consequences

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong and the behavior must improve. Offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action will be taken by the administration in accordance with the District's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted. Disciplinary consequences shall be taken for verified bullying behavior that takes place both on and off school property that materially and substantially disrupts the educational process.

Non Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and District policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Dissemination, Monitoring and Review

This policy, or a plain language summary, shall be published in student registration materials, student, parent and employee handbooks, and posted on the District's website.

Each year, as part of the required annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

All incidents of bullying behavior will be recorded on the Infinite Campus student management system. In addition, the Board will receive the annual VADIR data report for each building and for the District as whole, with particular attention to the trends in the incidence of bullying. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
0110, Sexual Harassment
5300, Code of Conduct

Ref: Dignity for All Students Act, Education Law, §10 – 18
Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
Executive Law §290 *et seq.* (New York State Human Rights Law)
Education Law §§313(3), 3201, 3201-a
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Adoption Date: January 27, 2009

Revised: July 2, 2012

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STUDENT BULLYING PREVENTION AND INTERVENTION REGULATION

Reporting and Investigation

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims and persons with knowledge of bullying report such behavior immediately to a staff member and/or the building administrator as soon as possible after the incident so that it may be effectively investigated and resolved. The District will promptly investigate all complaints, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the harassment, hazing, bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); dates, times, places it has occurred; name of alleged perpetrator(s); witnesses to the incident(s); and the victim's response to the incident.

If, after appropriate investigation, the District finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the code of conduct, applicable collective bargaining agreement, District policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with either policy 0100 or 0110 will be followed, as applicable. (Please check these policy numbers to confirm that they are correct.)

Confidentiality

It is District policy to respect the privacy of all parties and witnesses to complaints of bullying. To the extent possible, the District will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the District's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

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1. the request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the bullying and preventing the bullying of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the staff member and/or building administrator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than *two working days* following receipt of an oral complaint, the building principal or designee should begin an investigation of the complaint by:

- Reviewing any written documentation provided by the victim(s).
- Conducting separate interviews of the victim(s), alleged perpetrator(s), and witnesses, if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify him/her that if objectionable behavior has occurred, it must cease immediately and that the individual may be subject to discipline.
- Determining whether the complainant needs any accommodations to ensure his/her safety, and, if necessary, following up periodically until the complaint has been resolved.

Parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

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- a. discussion with the accused, informing him or her of the District's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the victim;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action shall be recommended and imposed in accordance with District policy, code of conduct, the applicable collective bargaining agreement or state law.

The building principal or the designee shall report back to both the victim and the accused, notifying them in writing, and also in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The victim shall report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against him/her.

If a complaint contains evidence or allegations of serious or extreme bullying, the complaint shall be referred promptly to the Superintendent. In addition, where the building principal has a reasonable suspicion that the alleged bullying incident involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact the school attorney, and, if appropriate, child protection and law enforcement authorities.

Any party who is not satisfied with the outcome of the initial investigation by the building principal may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent or his/her designee shall promptly investigate and resolve all bullying complaints that are referred to him/her, as well as those appealed to the Superintendent following an initial investigation by the building principal or the designee. In the event the complaint involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to an appropriate individual for investigation.

The District level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the District will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a District investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior.

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No later than 30 days following receipt of the complaint by the Superintendent or his/her designee, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a bullying complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties

Any individual who violates this policy by engaging in prohibited bullying will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the District Code of Conduct and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of District business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

Training

All students and employees shall be informed of this policy in student and employee handbooks, on the District website and student registration materials.

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All employees shall receive information about this policy and regulation at least once a year. Administrative employees and other staff, such as counselors or social workers, who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of bullying on the victim and bystanders.

Training needs in support of this bullying prevention and intervention program will be reflected in the District's annual professional development plan, in curriculum and will be considered in the budget process.

Adoption date: July 2, 2012

Revised: October, 2014

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**THREE VILLAGE CENTRAL SCHOOL DISTRICT
CHECKLIST (CHECK ONE)
ADULT TO ADULT SEXUAL HARASSMENT INVESTIGATION _____
ADULT TO ADULT HARASSMENT, HAZING, & BULLYING INVESTIGATION _____**

PRINCIPAL'S NAME:

DATE OF INCIDENT:

VICTIM'S NAME:

DATE OF THIS REPORT:

ALLEGED HARASSER'S NAME:

IMPORTANT PHONE NUMBERS:

<u>Procedural Step in Regulation 0110R and 0115R</u>	YES	NO	STEP NOT TAKEN	EXPLANATION
Victim interviewed <ul style="list-style-type: none"> • No contact with harasser • Asked what action wants taken • Referred to appropriate counseling agencies 	_____ _____ _____	_____ _____ _____	_____ _____ _____	
Written documentation by victim reviewed <ul style="list-style-type: none"> • Encouraged written documentation if not done; provided accommodation when necessary 	_____ _____ _____	_____ _____ _____	_____ _____ _____	
Provided alleged harasser with opportunity for interview. Parent of alleged harasser/perpetrator wished to be present during the interview. <ul style="list-style-type: none"> • Told if conduct has occurred, cease • Offered right to representation prior to interview • Documented conversation • Provided opportunity to respond in writing 	_____ _____ _____	_____ _____ _____	_____ _____ _____	
Alleged harasser warned that he/she will be subject to disciplinary action if contacts victim or retaliates	_____ _____	_____ _____	_____ _____	
Individually interviewed witnesses <ul style="list-style-type: none"> • Obtained written statements • Cautioned confidentiality 	_____ _____ _____	_____ _____ _____	_____ _____ _____	

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**THREE VILLAGE CENTRAL SCHOOL DISTRICT
CHECKLIST (CHECK ONE)
ADULT TO ADULT SEXUAL HARASSMENT INVESTIGATION _____
ADULT TO ADULT HARASSMENT, HAZING, & BULLYING INVESTIGATION _____**

<i>Procedural Step in Regulation 0110R and 0115R</i>	YES	NO	STEP NOT TAKEN	EXPLANATION
Reviewed all documentation and information	_____	_____	_____	
Principal reported findings to Title IX coordinator who will determine next steps, if any	_____	_____	_____	
Principal reported findings to Dignity Act Coordinator who will determine next steps, if any	_____	_____	_____	
Principal reported back to victim and accused the outcome of the investigation and action taken <ul style="list-style-type: none"> • in person • in writing • instructed victim to report recurrence of objectionable behavior or retaliation 	_____	_____	_____	
Principal advised victim he/she may request District-level investigation by written appeal to the Superintendent within 30 days. <ul style="list-style-type: none"> • Principal or administrative designee notified victim of right to contact US Department of Education's OCR and /or attorney 	_____	_____	_____	

Person Completing Form

Were there any changes you would recommend to the regulation based on your experience this year?

For Internal Use Only

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**THREE VILLAGE CENTRAL SCHOOL DISTRICT
CHECKLIST (CHECK ONE)
STUDENT TO STUDENT SEXUAL HARASSMENT INVESTIGATION _____
STUDENT TO STUDENT HARASSMENT _____
STUDENT TO STUDENT HAZING INVESTIGATION _____
STUDENT TO STUDENT BULLYING INVESTIGATION _____**

PRINCIPAL'S NAME: _____

STUDENT'S (VICTIM) NAME: _____

ALLEGED PERPETRATOR'S NAME: _____

DATE OF INCIDENT: _____

IMPORTANT PHONE NUMBERS: _____

DATE OF THIS REPORT: _____

<u>Procedural Step in Regulation 0110R and 0115R</u>	YES	NO	STEP NOT TAKEN	EXPLANATION
Within 24-hours parents of victim were notified. <ul style="list-style-type: none"> • Parents unreachable and investigation continued 	_____ _____ _____	_____ _____ _____	_____ _____ _____	
Parent of victim wished to be present during interview.	_____ _____	_____ _____	_____ _____	
Victim interviewed <ul style="list-style-type: none"> • No contact with harasser/perpetrator • Asked what action wants taken • Referred to appropriate counseling agencies 	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	
Written documentation by victim reviewed <ul style="list-style-type: none"> • Encouraged written documentation if not done; provided accommodation when necessary 	_____ _____ _____	_____ _____ _____	_____ _____ _____	
Victim has IEP or 504 Plan <ul style="list-style-type: none"> • CSE/504 team was consulted for victim 	_____ _____ _____	_____ _____ _____	_____ _____ _____	
Provided alleged harasser/perpetrator with opportunity for interview. Parent of alleged harasser/perpetrator wished to be present during the interview. <ul style="list-style-type: none"> • Told if conduct has occurred, cease • Offered right to representation prior to interview • Documented conversation • Provided opportunity to respond in writing 	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	_____ _____ _____ _____ _____	
Alleged harasser/perpetrator warned that he/she will be subject to disciplinary action if contacts victim or retaliates	_____ _____	_____ _____	_____ _____	
Individually interviewed witnesses <ul style="list-style-type: none"> • Obtained written statements • Cautioned confidentiality 	_____ _____ _____	_____ _____ _____	_____ _____ _____	

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THREE VILLAGE CENTRAL SCHOOL DISTRICT CHECKLIST (CHECK ONE) STUDENT TO STUDENT SEXUAL HARASSMENT INVESTIGATION _____ STUDENT TO STUDENT HARASSMENT _____ STUDENT TO STUDENT HAZING INVESTIGATION _____ STUDENT TO STUDENT BULLYING INVESTIGATION _____				
<i>Procedural Step in Regulation 0110R and 0115R</i>	YES	NO	STEP NOT TAKEN	EXPLANATION
Reviewed all documentation and information	_____	_____	_____	
Principal reported findings to Title IX coordinator who will determine next steps, if any	_____	_____	_____	
Principal reported findings to Dignity Act Coordinator, who will determine next steps, if any	_____	_____	_____	
Principal reported back to victim and accused the outcome of the investigation and action taken <ul style="list-style-type: none"> • in person • in writing • instructed victim to report recurrence of objectionable behavior or retaliation 	_____ _____ _____	_____ _____ _____	_____ _____ _____	
Principal advised victim he/she may request District-level investigation by written appeal to the Superintendent within 30 days. <ul style="list-style-type: none"> • Principal or administrative designee notified victim of right to contact US Department of Education’s OCR and /or attorney 	_____ _____	_____ _____	_____ _____	

Person Completing Form

Were there any changes you would recommend to the regulation based on your experience this year?

For Internal Use Only

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HIV/AIDS POLICY

The Board of Education recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). The Board recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board further recognizes the privacy rights of students diagnosed with HIV infection or AIDS and their right to a free appropriate public education; the rights of HIV infected employees to privacy and reasonable accommodations; the rights of all non-infected individuals to a safe environment free of any significant risks to their health; and the rights of all students to instruction regarding the nature, transmission, prevention, and treatment of HIV infection, pursuant to the Commissioner's Regulation, Part 135.3.

No individual shall be denied access to any program or activity sponsored by or conducted on the grounds of the District, solely on the basis of his/her status as an HIV-infected individual.

Students

It is the policy of the Board that:

1. A student's education shall not be interrupted or curtailed solely on the basis of his/her HIV status. HIV-infected students shall be afforded the same rights, privileges, and services available to every other student.
2. No student shall be referred to the Committee on Special Education solely on the basis of his/her HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with his/her ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of Commissioner's Regulations.
3. If a student who is HIV-infected requires special accommodations to enable him/her to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by §504 of the Rehabilitation Act.
4. No disclosure of HIV-related information involving a student shall be made without first obtaining the informed consent of the parent, guardian or student on the Department of Health (DOH) approved form.

Employees

It is the policy of the Board that:

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1. No employees shall be prevented from continuing in his/her employment solely on the basis of his/her HIV status; such employees are entitled to all rights, privileges, and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties.
2. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of his/her status as an HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform his/her duties.
3. All employees shall have access to the District's exposure control plan as required by the federal Office of Safety and Health Association (OSHA).
4. In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

Confidentiality

Any information obtained regarding the HIV status of an individual connected to the school shall not be released to third parties, except to those persons who are:

1. named on an Authorization for Release of Confidential HIV Related Information form;
2. named in a special HIV court order; or
3. as indicated in Public Health Law §2782, when necessary to provide health care to the individual (i.e., to the school physician and the school nurse).

Any employee who breaches the confidentiality of a person who is HIV infected shall be subject to disciplinary action in accordance with applicable law and/or collective bargaining agreement.

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further redisclosure, except when in compliance with the law, must accompany the disclosure.

HIV/AIDS Testing

No school official shall require a student or employee to undergo an HIV antibody test or other HIV-related test. In accordance with OSHA regulations in the event of an incident involving the exposure one individual to potentially infectious body fluids of another individual, particularly blood or any other fluid which contains visible blood, an HIV test may be requested but NOT required. The request and refusal must be documented.

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However, school officials shall not be precluded from requiring a student or employee to undergo a physical examination pursuant to Education Law §§903 and 913, when other illness is suspected (e.g., tuberculosis), as long as no HIV antibody test or other HIV-related test is administered without the individual's informed consent as required by Public Health Law §27-F.

To implement this policy, the Superintendent of Schools is directed to arrange for staff training, to distribute copies of this policy to all employees of the District, and to include it in the District's student handbook, and to establish an advisory council to make recommendations on the development, implementation, and evaluation of HIV/AIDS instruction as a part of comprehensive health education.

Cross-ref: 5420, Student Health Services
8123, Hygiene Precautions and Procedures

Ref: 29 USC §§794 et seq. (Rehabilitation Act of 1973)
20 USC §§1400 et seq. (Individuals with Disabilities Education Act)
42 U.S.C. §12132, et seq. (Americans with Disabilities Act)
34 CFR Part 104
29 CFR Part 1910.1030
Executive Law §296 (Human Rights Law)
Education Law §§903; 913
Public Health Law, Article 27-F
8 NYCRR §§29.1(g); 135.3; 136.3
An Implementation Package for HIV/AIDS Policy in New York State School Districts,
NYS HIV/AIDS Prevention Education Program, June 17, 1998

Adoption Date: December 1991

Reviewed: October 30, 2008

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0200

SCHOOL DISTRICT GOALS AND OBJECTIVES

To further its educational philosophy, the Board of Education establishes the following goals and objectives:

1. to provide an educational program and instructional arrangements which will permit each child to develop to his/her full potential;
2. to employ the best possible school staff, including both professional and support personnel;
3. to encourage the development of meaningful, interpersonal relationships among the students, the staff and community;
4. to ensure that staff, students, and parents are afforded opportunities for meaningful participation in the development and evaluation of programs and policies;
5. to strive for maximum efficiency in the use of District resources to meet the goals and objectives of the various programs and services;
6. to provide educational programs and services which fulfill the needs of the District and comply with Commissioner's regulations; and
7. to promote the development of a "community school" in services to community members who are not part of the regularly attending student body.
8. to initiate the process of long-range planning for the entire school community and to develop, implement and periodically update a strategic plan.
9. to develop and implement a District-wide process for communication at various levels to include the Board of Education, administration, teachers, support staff, students, parents/guardians and community members and to monitor its continued effectiveness.
10. to work collaboratively among the Board of Education, Facilities Committee and responsible District personnel to assure that facilities projects are completed in a timely, high-quality manner and within the District's approved budget parameters.
11. to work collaboratively among the Board of Education, the Teaching and Learning Committee, the Policy Committee and responsible District personnel to assure that District programs, policies and regulations are implemented, evaluated, and maintained in a timely and effective manner.

Adoption Date: December, 1991

Revised: December 2, 2008

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0300

ACCOUNTABILITY

The Board of Education acknowledges that it is directly accountable to the community it has been elected to serve, and is committed to engaging in a continuous assessment of all District conditions affecting education.

The Board recognizes that a comprehensive accountability system is necessary to evaluate and improve the effectiveness of the District's schools by keeping the primary focus on student achievement and on what can and should be done to improve that achievement.

Consistent with its obligations and commitments, the Board will:

1. Request regular reports on student progress and needs, based on a variety of assessments to evaluate the quality and equity of education in the District, including instruction, services, and facilities.
2. Evaluate the Superintendent's performance in accordance with policy 0320, Evaluation of the Superintendent.
3. Evaluate progress toward achievement of the District's long- and short-term goals and ensure that board policies and resources effectively support the District's vision.
4. Provide appropriate staff and Board training opportunities.
5. Fulfill governance responsibilities as required by state and federal law.

The Board acknowledges that publicizing the District's progress and performance is important to maintaining the community's trust and support. The Board is committed to keeping the public aware of such progress and performance on a regular basis.

Cross-ref: 0000, Mission Statement and Vision
0200, District Goals
0320, Evaluation of the Superintendent
1000, Community Relations Goals

Adoption Date: February 24, 2009

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0320

EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student achievement, District progress and community satisfaction with the schools are all in large part affected by the superintendent's performance. The Board also recognizes the superintendent cannot function effectively without periodic feedback on performance, and is committed to ensuring that the superintendent is evaluated annually as required by Commissioner's regulations.

During each year of the Superintendent's appointment, the Board and the Superintendent will meet to discuss a plan of performance review and accountability for that school year. The final plan shall be within the sole discretion of the Board. Such evaluation will be discussed during an executive session.

The purposes of the evaluation shall be to:

1. Gauge the District's progress toward the goals the Board has charged the superintendent to accomplish.
2. Provide a basis for assessing the strengths and weaknesses of the Board and the superintendent and to aid in the professional development of both parties.
3. Strengthen the working relationship between the Board and the superintendent.
4. Provide a basis for commending, rewarding and reinforcing good work.

The evaluation shall focus on the goals the Board sets for the superintendent each year as well as the duties and competencies specified in the superintendent's job description.

The form the Board uses for evaluating the superintendent shall be filed in the District office and available for review by any individual no later than September 10th of each year.

Cross-ref: 3120, Duties of the Superintendent

Ref: 8 NYCRR 100.2 (o)(2)(v) (Performance review of superintendent)

Adoption Date: December, 1991

Revised: December 2, 2008

EVALUATION OF INSTRUCTIONAL STAFF

The Board of Education believes that all professionals have a desire to continuously improve their performance. Observers who give feedback can provide assistance in promoting and facilitating improved professional performance by identifying patterns of effective teacher behavior. The ultimate goal of the evaluation process, the promotion of student growth, can be achieved in a climate characterized by professional trust.

The purposes of professional staff evaluations are to enrich and develop effective classroom teaching. After each evaluation is made, a full written report will be submitted to the Assistant Superintendent for Human Resources.

The purpose of the performance appraisals are:

1. to improve the instructional program;
2. to assist the classroom teacher in improving and upgrading teaching performance;
3. to provide a formal procedure for communication between the teacher and the administrator regarding the instructional program and student progress; and
4. to assist the Superintendent and the Board of Education in properly evaluating employees for tenure review.

The evaluation process shall include but shall not be limited to:

1. cooperative goal-setting by teacher and evaluator;
2. evaluation in relation to goals set;
3. the means for self-evaluation; and
4. opportunities for both formal and informal supervisor observations to be carried out on a regular, continuing basis.

Each non-tenured teacher shall receive at least three formal written observations during the year. Foundation Phase B (years 4 and 5) tenured teachers shall receive a minimum of one formal written observation during the year. Professional Growth Phase Experienced Teachers shall receive a formal observation at least once in a 3 year cycle. In those years in which a formal observation is not conducted, an individual Professional Growth Plan will be developed and submitted to the building/District administrator for approval. Every teacher shall receive an end-of-year written evaluation.

Teachers shall be evaluated by their immediate supervisor and/or administrator.

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0330

The formal observations and evaluations shall be discussed by the evaluator and the person being evaluated as delineated in the District's Performance Appraisal System. Copies of the written document shall be signed by both parties and be incorporated into the personnel files of the person evaluated. The signature should indicate that the evaluation has been read and discussed.

Upon request, a written report shall be made to the Board at the end of the year concerning the outcomes of these observations and evaluations.

Teachers shall be informed of the District evaluation program. Evaluation techniques and procedures shall be continually reviewed by the administration and shall be subject to review by the Board.

Ref: Education Law §3031
Public Officers Law §§87 et seq.
8 NYCRR §100.2(o)(1)

Adoption Date: December, 1991

Revised: April 28, 2009

EVALUATION OF ADMINISTRATIVE STAFF

In order to ensure a high quality of administrative performance and to advance the District's instructional program, a continuous program for administrative evaluation shall be established.

The Superintendent of Schools, in cooperation with the administrative staff, shall develop an evaluation system for all administrators. The criteria used in each evaluation shall be based on administrative performance objectives and shall relate to the administrator's job description.

All administrators shall receive at least one official evaluation in writing each year. The administrator being evaluated shall have the opportunity to review the evaluation with his/her respective evaluator. The evaluation shall be signed by both parties to indicate that the evaluation has been read and discussed. A copy of the evaluation shall be incorporated into the personnel file of the administrator being evaluated.

The Superintendent shall verbally report annually to the Board of Education on the performance of all administrators as per the administrator's performance appraisal process.

Adoption Date: December, 1991

Revised: May 12, 2009

EVALUATION OF SUPPORT STAFF

Non-Instructional personnel will undergo yearly evaluations, in cooperation with their immediate supervisor.

The purpose of support staff performance appraisals are:

1. to improve performance by means of objective evaluation procedures;
2. to maintain salaries commensurate with job requirements and responsibilities; and
3. to recognize exemplary employees.

Adoption Date: December, 1991

Revised: May 12, 2009

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0350

EVALUATION OF INSTRUCTIONAL PROGRAMS

The Board of Education recognizes that education is a continuous process that requires the coordination and cooperation of all components of the entire school system. To achieve the highest quality of education on all levels, a critical appraisal of the program as it operates in each school and at each level is essential.

The purposes of the evaluation of the instructional program are to:

1. assess how well the program meets its stated goals;
2. provide information needed for curriculum revision and long range planning;
3. show the relationship between achievements in and between schools and the school system's stated goals;
2. indicate instructional strengths and areas of identified need;
5. assess the effectiveness of the instructional program in terms of community expectations; and
3. provide data for public information.

Elements of such evaluation may include:

4. nationally standardized tests, State tests, and locally developed assessment instruments;
5. studies of school achievement records and follow-up studies of students;
6. curriculum studies undertaken by faculty committees;
7. input from students, parents/guardians, and staff;
8. reviews by State Education Department specialists; and
9. evaluation by other organizations and agencies.

The results of the evaluation, together with the concurrent recommendations for modifications and revisions in programs, shall be presented to the Board in an appropriate summary form by the designated administrative officer. The needs shown by the evaluation will be listed on a priority basis. Such report shall be submitted at least annually and should be utilized to:

10. determine whether the school is meeting, or making adequate progress toward enabling its students to meet the State's student performance standards;
11. indicate instructional strengths and areas of identified need;
12. provide information needed for advance planning;
13. provide data for public information;
14. show the relationship between achievement and the school system's stated goals; and
15. ascertain the effectiveness of the instructional program in terms of the expectations and concerns of the community.

THREE VILLAGE CENTRAL SCHOOL DISTRICT

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A continuing evaluation of the instructional program will be conducted at the school and District level. The needs of the instructional program, as shown by this evaluation, will be listed on a priority basis.

The Superintendent of Schools shall submit an annual report to the Board stating the strengths and areas of identified need of the instructional program in each school. The report will contain recommendations for addressing the identified needs of the instructional program.

The District shall publicize and disseminate to staff, parents/guardians, students, and the community the results of the annual review in individual school performance profiles based on statistically sound methods. The District shall also provide the results of the annual review to schools so that they can continually refine the program of instruction to help all students meet the State's student performance standards.

Cross-ref: 0210, Goals for Instructional Program
4300, Curriculum

Ref: 8 NYCRR § 100.2 (m)
20 U.S.C. § 6317(a) (Title I of the Elementary and Secondary Education Act of 1965)
34 C.F.R. 200.5 (annual review procedures under Title I)

Adoption Date: December 1991

Revised: June 1999
May 12, 2009