

Board Policy

Equal Educational Opportunities

Overview

Eastern Suffolk BOCES is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses the provision of equal educational opportunities to students. It is just one component of ESBOCES overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, ESBOCES provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of any legally protected class or category including, but not limited to, race, color, religion, disability, national origin, sexual orientation, gender identity or expression, military status, sex, age, marital status, pregnancy, parental status, weight, ethnic group, or religious practice. Further, ESBOCES provides equal access to its facilities to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 (as a patriotic society).

ESBOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination. ESBOCES will promptly respond to reports of discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the ESBOCES Civil Rights Compliance Officer(s) (CRCO(s)).

Reporting Allegations of Discrimination

In order for ESBOCES to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of discrimination, as well as any other person who has knowledge of or witnesses any possible discrimination, immediately report the alleged conduct or incident. Reports of discrimination may be made orally or in writing to any ESBOCES employee including, but not limited to, a teacher, building principal, or Civil Rights Compliance Officer (CRCO).

All ESBOCES employees who witness or receive an oral or written report of discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if ESBOCES has designated another individual to serve in that capacity. If ESBOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, ESBOCES employees must comply with reporting requirements in any other applicable ESBOCES policy or document.

Grievance Process for Complaints of Discrimination

ESBOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and will promptly take appropriate action to protect students from further discrimination.

Various ESBOCES policies and documents address discrimination. These policies and documents may include: Policy #3420, Non-Discrimination and Anti-Harassment in the District; Policy #3421, Title IX and Sex Discrimination; Policy #7550, Dignity for All Students; and the District's *Code of Conduct*. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which ESBOCES policies and/or documents are applicable is fact-specific, and the CRCO may work with other ESBOCES staff such as the ESBOCES Title IX Coordinators and/or Dignity Act Coordinators (DACs) to determine which ESBOCES policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that discrimination has occurred, ESBOCES will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable ESBOCES policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the ESBOCES Code of Conduct.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

ESBOCES prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if ESBOCES has designated another individual to serve in that capacity. If ESBOCES has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Where appropriate, follow-up inquiries will be made to ensure that the discrimination has not resumed and that those involved in the investigation have not suffered retaliation.

References:

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- Age Discrimination Act of 1975, 42 USC Section 6101, et seq.
- Americans with Disabilities Act (ADA), 42 USC Section 12101, et seq.
- Equal Educational Opportunities Act of 1974, 20 USC Section 1701, et seq.
- Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790, et seq.
- Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c, et seq.
- Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d, et seq.
- Title IX, 20 USC Section 1681, et seq.
- 28 CFR Part 35
- 34 CFR Parts 100, 104, 106, 110, and 270
- 45 CFR Part 86

- Civil Rights Law Sections 40, 40-c, and 47-b
- Education Law Sections 10-18, 313, 2801, 3201, and 3201-a
- New York State Human Rights Law, Executive Law Section 290, et seq.
- 8 NYCRR Section 100.2
- 9 NYCRR Section 466, et seq.
- Board Policy 1440 – Non-Discrimination Statement
- Administrative Regulation 1440R.1 – Non-Discrimination Statement
- Board Policy 6100 – Dignity for All Students Act
- Administrative Regulation 6100R.1 – Dignity for All Students Act
- Administrative Regulation 2410R.1 – Code of Conduct

First Adopted: 7/1/2003

Readopted: 7/11/2007

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