



# **ROSLYN HIGH SCHOOL**

**9-12**

**Code of Conduct**

**Rights and Responsibilities**

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, cyberbullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of discrimination, bullying and harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission.

The District condemns and prohibits all forms of discrimination, bullying and harassment, including cyberbullying, of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events, including those that take place at locations off school property. In addition, any act of discrimination, bullying or harassment, outside of school sponsored events that creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the misconduct might reach school property, may be subject to discipline.

## **Introduction**

The successful functioning of Roslyn High School, within the framework of its educational philosophy, calls for a viable code of conduct. This code focuses on the mutual responsibilities of all groups within the school community: The staff to its students; the students to the staff; and the students toward one another.

There is a universal set of ethical standards which can be enforced in this school building and which students will be expected to follow.

The first goal in teaching ethics is to give students a sense of how important these issues are and to encourage them to give greater thought to the ramifications of their actions on a regular basis. The second is to develop a high school atmosphere that encourages the development of character. The third is to allow students to develop a core of shared ethical values. The final goal is to encourage students to carry these values forward and apply them broadly in their lives.

Defined, ethics is the act of doing the right thing.

We believe that the central function of this high school is the pursuit of academic excellence. Acts of misconduct undermine this pursuit. We believe it is important for students to know what to expect for specific acts of misconduct; we will implement our code with consistency, but not with the rigidity that ignores special circumstances. We have an abiding faith in academic freedom and civil liberties; we commit ourselves to due process of the law.

In drawing up the code of proscribed conduct which follows, we have been guided by a desire to be fair, to be even-handed, and to manifest the mutual respect that each member of this public school community feels for every other member.

(\*By staff we mean: cafeteria workers, custodial staff, secretaries, teacher aides, substitute teachers, teachers, and administrators.)

## **Definitions**

For the purposes of this Code, the following definitions apply:

### **Disruptive Student**

A student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

### **Gender**

Actual or perceived sex and includes a person's gender identity or expression.

### **Gender Expression**

The manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

### **Gender Identity**

One's self-concept as being male or female, as distinguished from actual biological sex or sex assigned at birth.

### **Parent**

The parent, guardian or person in parental relation to a student.

### **School Property**

In or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law § 142.

### **School Function**

Any school sponsored extra-curricular, co-curricular or other event or activity, regardless of where such event or activity takes place, including those that take place in another state

### **Sexual Orientation**

Actual or perceived heterosexuality, homosexuality or bisexuality.

### **Discrimination**

Unfair treatment of any student by a student or students and/or employee or employees on school property or at a school function including but not limited to, discrimination based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.

### **Violent Student**

A student under the age of 21 whom:

- Commits an act of violence upon a school employee, or attempts to do so.

- Commits while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
- Possesses while on school property or at a school function, a weapon.
- Displays while on school property or at a school function, what appears to be a weapon.
- Threatens while on school property or at a school function, to use a weapon.
- Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
- Knowingly and intentionally damages or destroys school district property.

### Weapon

A firearm as defined in 18 USC § 921 for purposes of the Gun-Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutters, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

### Harassment or Bullying

The creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) 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 (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. For purposes of this definition, the term "threats, intimidation or abuse" shall include verbal and non-verbal actions. Acts of bullying and harassment that are prohibited include but are not limited to those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex.

### Cyberbullying

Harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

## **CODE OF DISCIPLINE** **Academic Integrity and Student Behavior**

Academic and behavioral integrity are core values and the ethical foundation for all academic and personal interactions in the Roslyn High School Community. These fundamental core values embrace honesty, respect, personal responsibility and trust.

Our school is committed to these values in the pursuit of lifelong learning, formation of ethical character, and the cultivation of good citizenship. Fostering and advancing academic and personal integrity requires a partnership among students, teachers, administrators, support staff, parents and

the community. Any breach of integrity is a destructive force in the school, jeopardizing the quality of education, and diminishing the achievement of others.

The following Code details acceptable and unacceptable academic and other behaviors at Roslyn High School, at all school-sponsored events, sports, and activities on or off school property, toward students, teachers, staff, administrators, parents, visitors and school property. Students may not engage in conduct, whether on or off school district property, that endangers the health or safety within the educational system, or adversely affects the educational process. Examples of off-campus conduct subject to discipline include threats made via the Internet, phone or other device; unauthorized access of the district's computer network; and inappropriate behavior at school bus stops.

Negative incidents will be reported to the administration and will be subject to disciplinary action as defined in the following Code of Discipline.

#### I. Academic Dishonesty

A. Cheating. The definition of cheating is to act dishonestly or unfairly in order to gain an advantage. Many wrongful behaviors constitute cheating. Most common among them are copying or communicating with others during an exam or allowing others to copy from one's exam paper, using unpermitted notes, cell phones, smartwatches or any other prohibited electronic devices during an exam, obtaining information about an exam without the knowledge or consent of the teacher, discussing the contents of an exam with students sitting for the exam at a later time, or intentionally helping others cheat. Some of these and other behaviors fall under the concept of plagiarism, a serious form of academic cheating.

B. Plagiarism. The definition of plagiarism is using the words or ideas of another person as if they were your own, and not properly crediting the actual source. Many wrongful behaviors constitute plagiarism, with regard to homework, reports, research papers, tests, any class work, oral and digital and artistic assignments, such as:

- Copying from another person and handing in work as one's own
- Handing in the work of someone else
- Allowing others (parent, tutor, friend, etc.) to do your assignments
- Receiving help without instructor's permission
- Collaborating with others on an individual assignment
- Copying any part (sentences, paragraphs, pages) of or information from a book or Internet without correctly citing the source
- Purchasing essays to turn in as one's own
- Falsifying or making up citations to sources not used in research

#### C. Consequences of Academic Dishonesty

1. National Honor Society. Any student found cheating or plagiarizing on any test, paper, project, or standardized test (including but not limited to SAT, PSAT, AP, or ACT) will not be eligible to apply for membership in the National Honor Society (NHS), and current members will lose their membership. Any ethical breach in conduct is evaluated by the NHS committee when applications for membership are reviewed. Cases in question will be reviewed by this committee of administrators, department chairs, teachers and school

counselors, for a final decision.

2. Range of Disciplinary Actions. The range of consequences which may be imposed include the following:

- Assignment grade is lowered
- Assignment grade is zero
- Teacher speaks to parents
- Administrator speaks to parents
- Discipline referral is filed in the main office
- Teacher assigns detention
- Administrator assigns detention
- Out of school suspension
- Exclusion or removal from honor societies
- Student is not eligible to be a speaker at graduation
- Colleges notified by administration

## II. Student Behavior

A. Conduct. Students will conduct themselves in a positive manner, respect all staff, fellow students and school and district property, cooperate with school rules in all facilities, and restrain from disruptive behavior that may interfere with school programs and activities. Specific behaviors that are regarded as insubordinate include:

- Inappropriate use of district computers, software, e-mail, and the Internet, to receive or send materials deemed inappropriate by the administration, including pornography, bias materials, threatening statements, materials pertaining to violent acts and/or weapons.
- Use of vulgar or abusive language and/or behavior
- Selling, using and possessing vulgar or obscene materials
- Harassment, sexual harassment, hazing, bullying
- Eating in hallways and classrooms
- Distribution of materials (such as club flyers or email) for non-school events (such as night clubs, parties, trips, etc.)

B. Attendance. Students will attend all classes and assigned activities. Violations include:

- Cutting classes and assigned activities
- Lateness to class or school
- Leaving school grounds during an assigned period without permission
- Truancy
- Failure to attend a class after losing credit due to attendance (NCA)
- Failure to serve assigned detentions for lateness or cutting

C. Illegal Substances. Students may not be under the influence of any illegal substance or alcohol. Other illegal substance violations include:

- Smoking or any tobacco product and use is not permitted anywhere on school grounds
- Possession of controlled substances or illegal substances and related paraphernalia
- Distribution or attempt to distribute, or possession with the intent to distribute, a non-controlled substance upon the representation that the substance is a controlled, dangerous

substance.

- Alcohol consumption by students. See Policy # 5441 below.

D. Destructive/Prohibited Behavior. Student behavior may not interfere with the normal school program or create dangerous situations, including the following:

- Gambling, card playing
- Fighting, assault, violent behavior
- Theft, vandalism, destruction of property
- Unauthorized entry to school premises
- Arson, extortion, robbery, theft or any other felonious act
- False fire alarm or fire reporting, bomb threat
- Selling and or possession or use of a weapon, fireworks or any other dangerous instrument
- Possession and/or use of laser devices
- Use of water guns or improper use of water containers of any kind
- Driving a motorized vehicle on school ground in a reckless manner or obstructing traffic
- Parking on school grounds without a permit or parking in an unauthorized area.
- Using skates, skateboards, roller blades, scooters or bicycles on school grounds.

Any other conduct, as determined by the administration, which endangers the health, safety, morals or welfare of other people, is prohibited, and any student(s) involved may be subject to disciplinary action.

## **ACCEPTABLE USE – REMOTE LEARNING Policy 4528**

### **I. OVERVIEW**

From time to time, schools may be closed as a result of social unrest, act of God, public health emergency, epidemic, pandemic, weather conditions, or regulations or restrictions imposed by any government or governmental agency, but may, pursuant to governmental action, be required to provide remote learning opportunities for students.

In accordance with guidance from the NYS Department of Education (NYSED), the School District (the “District”) may implement alternate remote instruction in the event of a prolonged school closure or student absence (the “Continuity of Learning Plan”).

To facilitate the Continuity of Learning Plan, the School District has authorized its faculty and administration to utilize online learning platforms. These platforms are useful educational tools and provide opportunities for personal connection between teachers and students. Through these platforms, teachers will continue to maximize opportunities to engage students and to interact with them through technology.

### **II. USE OF ONLINE LEARNING PLATFORMS**

The privacy and confidentiality of all participants is important.

Parents/guardians or any other third party must remember that online learning is for students and they should not be observing virtual platforms while their child is engaged in a remote learning session. Unless a younger elementary student is in need of technical assistance, parents/guardians should not interrupt learning. If a parent/guardian has a question for their child's teacher, they should send an email to the teacher outside the online learning session; the teacher will respond to the parent/guardian during school hours.

In addition to the policies noted above and other existing District policies, the following rules of conduct apply while the Continuity of Learning Plan is in effect, as well as other times when students and teachers may be engaged in remote learning. Violation of the following rules will result in appropriate disciplinary action.

All individuals, including students, their parents/guardians or any other third party, and their family members, are prohibited from:

1. Recording, taking photos or taking a screenshot(s) of a videoconference session or any content presented in any form during the remote learning session.
2. Altering a videoconference session or any content presented during remote learning.
3. Sharing, posting, or otherwise distributing, in any manner, either physically or electronically, via email, text or social media (such as Twitter, Snapchat, Instagram, Facebook, Tik Tok, etc.) any videoconference session, any part of a videoconference session, or any altered content, whether they have created or have received the recorded or altered content.
4. Using the remote learning platforms for any purposes other than their intended use as directed by their teacher.
5. Sharing any links, ID numbers, passwords or invitations to a school videoconference session with anyone.
6. In the remote learning environment, students are to behave at all times as if they were at school. Inappropriate behavior that will not be tolerated includes, but is not limited to:
  - Making inappropriate faces, gestures or comments
  - Displaying an inappropriate virtual background or profile picture
  - Projecting or displaying an inappropriate image
  - Bullying or cyberbullying of other students or the teacher.
7. Complying in all respects with the Code of Conduct (Policy 5300).

The teacher may stop the video feed of any participant at any time, in his/her sole discretion.

In the unlikely event that inappropriate behavior occurs during any online learning session, the teacher will promptly end that session and promptly notify his/her Building Principal to investigate and follow up accordingly with the student(s) and their parent(s)/guardian(s). The student(s) shall be subject to disciplinary consequences in accordance with the Code of Conduct (Policy 5300).

### III. RULES OF ETIQUETTE and PROCEDURES

General rules of etiquette that students should follow when participating in an online learning session include the following:

1. To enable the students to fully participate in their learning activities, students should be seated at a desk or table and set up their workspace in a quiet place that is free from distraction (such as siblings, pets, television, food, drinks, etc.). Pencil and paper or an electronic device to take notes (iPad, laptop) should be on hand to use, as needed.
2. To avoid disruptions in access to the online learning session, students should ensure that the batteries of their devices are charged, or that they are plugged in to power.
3. Students should not have out or should not use any other electronic devices, such as cell phones or video game consoles, which might distract from learning. Only devices that are used for instruction or to view the remote learning session should be used.
4. Students should consider using headphones or earbuds while engaging with audio or video content, as it will help them focus on learning and not be distracted.
5. An online learning session should be regarded just like being in school. Students should maintain respect in speaking, in writing, and in appearance. Students must dress appropriately.
6. Students should aim to arrive early to their online learning session, usually three to five (3 to 5) minutes before the scheduled start of an online learning session. This will enable the teacher to take attendance and to promptly begin the online learning session. Once the online learning session has started, the teacher has the sole discretion to prohibit late entry by locking the “room”.
7. Students must log on using their first and last name for each learning session so that the teacher can identify and see each student before allowing them into the session.
8. Where applicable, students will be admitted to the “waiting room” and their

teacher then will individually admit students into the online learning session.

9. Students should be entering the online learning session with their microphones on “mute”. If a student would like to speak, has a question or something relevant to contribute to the session, they should raise their hand, and the teacher will unmute them or allow the student to unmute themselves.
10. Unless otherwise instructed by their teacher, students must keep the video feature on at all times. Students should maintain their live faces on the screen throughout the lesson. Teachers must be able to see that students are in the class and paying attention throughout the lesson unless extenuating circumstances exist that must be approved by the teacher. Students should not change their virtual background during an online learning session, as changing it is distracting to other students.
11. At the teacher’s discretion, the chat feature may be enabled for students to use to ask questions. When utilizing the chat feature, students must be considerate and polite, and should utilize proper spelling and grammar.
12. If technical assistance is needed, teachers or students should contact the School District’s administrative offices.

Cross-Ref:	0100	Equal Opportunity
	0110	Sexual Harassment – Policy
	0115	Dignity for All Students Act
	4526	Computer Network and Internet Access Use Acceptable Use
	4526.1	Internet Safety
	5300	Code of Conduct

Adoption Date: August 27, 2020

**Alcohol Consumption by Students                      POLICY #5441 Students**

**SUBJECT: ALCOHOL CONSUMPTION BY STUDENTS (BREATHALYZER)**

The Board of Education recognizes that the use of alcohol by minors represents a serious threat to the welfare of students.

The possession, transportation, and distribution of alcoholic beverages during school hours or during school-sponsored activities and events, including extracurricular, co-curricular or sports activities, whether on or off school grounds, is strictly prohibited.

The consumption of alcohol by students during school hours, as well as prior to or during school sponsored activities and events, including, extracurricular, co-curricular or sports activities and the

presence of students who have consumed alcohol on school campus at any time or during school-sponsored, off-campus activities and events, is strictly prohibited.

Therefore, to promote a safe, healthy, and productive environment, the District implements the following testing policy with respect to students suspected of consumption of alcohol.

- a) School personnel who have a reasonable suspicion that a particular student has consumed alcohol prior to or during school hours or during a school-sponsored event may recommend to the administrator in charge the use of Breathalyzer testing to determine such consumption. Reasonable suspicion shall be based on objective criteria including, but not limited to, admissions, reliable statements of others, possession of alcohol, impairment of motor control and other outward signs of alcohol use or intoxication such as flushed face, red or watery eyes, odor of alcohol on breath or clothing, slurred speech, failure to comprehend questions, being combative, lack of awareness in regard to time and place, and vomiting.
- b) The District shall maintain an appropriately calibrated and reliable Breathalyzer testing device and shall provide for training of school officials in its use so that it may be properly administered. The term, trained school official, shall be limited to nurses, administrators, and drug and alcohol school professionals
- c) A student present during an on or off campus school sponsored event, including, extracurricular, co-curricular or sports activities who is believed to have consumed alcohol prior to or during the event, will be discretely escorted by two school officials to a secure location unless circumstances dictate that only one school official is available. The test shall then be administered by a trained school official. The student will be granted an opportunity to explain a positive test result. After due consideration of the student's explanation, the school official shall make an immediate determination whether to exclude the student from the event. If alcohol use has been determined, the student's parents, person in parental relation, or legal guardian shall be immediately notified. Students identified as having consumed alcohol shall be detained under observation until a parent, a person designated by the parent, or a person named on the student's emergency contact card is available to transport the student home. If none of the aforementioned individuals are available, the staff member in charge of the activity will determine who will transport the child home. The student's behavior shall be referred to the School Principal and/or Superintendent of Schools for further action pursuant to Section 3214 of the Education Law. Test results shall be considered in making a determination whether to proceed further.
- d) During the regular school day, a student believed to have consumed alcohol will be discretely escorted by two school officials to a secure location unless circumstances dictate that only one school official is available. The test shall then be administered by a trained school official. If alcohol use has been determined, the student's parents, legal guardian, or person in parental relation shall be immediately notified. Students identified as having consumed alcohol shall be excluded from class and detained under observation until a parent, a person designated by the parent, or a person named on the

student's emergency contact card is available to transport the student to home. The student's behavior shall be referred to the School Principal and/or Superintendent of Schools for further action pursuant to Section 3214 of the Education Law. Test results shall be considered in making a determination whether to proceed further.

- e) In the event that a student refuses the administration of a Breathalyzer test in any of the circumstances described in c) or d) above, he/she will be presumed to have consumed alcohol. The matter shall be processed under paragraphs c) or d) in the same manner as if a positive Breathalyzer test result had been obtained.
- f) If the Breathalyzer test is negative, the student may receive permission to resume unrestricted activity provided the school official does not suspect the use of other drugs, or unless other disciplinary rules apply to the student's untoward behavior. If the school official suspects the use of other drugs or the student appears unable to walk properly/conduct himself/herself in a —normall manner, the student will be retained for his/her safety. The school official will contact the student's parent or legal guardian, describe the situation, and request the parent/legal guardian take the child home.
- g) The procedures and protocol for administration of this policy and breath alcohol analyzer testing permitted hereunder, together with the processing of students, shall be established by the administrative regulation issued by the Superintendent of Schools.

As noted above, the consumption, possession, transportation, and distribution of alcoholic beverages is strictly prohibited. Any student determined to have consumed, possessed, transported, or distributed alcoholic beverages in violation of this policy shall be subject to immediate suspension and further discipline as provided in Section 3214 of the Education Law of the State of New York.

Adopted: April 2, 2009

### **RANGE OF DISCIPLINARY ACTIONS**

The range of permissible consequences which may be imposed as appropriate for violations of the student disciplinary code includes the following:

1. Verbal warning.
2. Written warning.
3. Reprimand.
4. Detention with teacher, administrator.
5. Conference with parents.
6. Suspension from transportation.
7. Suspension from athletic participation.
8. Suspension from social or extracurricular activities.
9. Suspension from other privileges
10. In-school suspension.
11. Exclusion from a particular class.

12. Required parent conference.
13. Mandated change of schedule.
14. Probationary status:
  - a. There will be a formal notice of the term and conditions of probation.
  - b. A review of probation will occur at specified intervals.
15. An explanation of subsequent penalties for unimproved behavior.
16. Referral to school counselor.
17. Referral to psychologist.
18. Referral to social worker.
19. Referral to Child Study Team.
20. Referral to CSE.
21. Suspension.

Previous disciplinary warnings and actions will be taken into account. A referral back to Committee on Special Education (CSE) may be indicated.

### **SUSPENSION**

1. Short-term Suspension — The Principal, in accordance with the rules of the Board of Education shall have the right to suspend temporarily, for cause, for a period of not more than five school days, any student in the school under his/her direction.

a. Recognizing the need of due process: Prior to any suspension, a student shall receive oral or written notification of the charge against him/her, the conduct which forms the basis of the charge, and the policy, rule, or regulation violated. If the student denies the charge, he/she shall have the right to an explanation of the evidence supporting the charge and an opportunity to present his/her side of the story to the Principal.

b. A student whose presence in school poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process may be immediately removed from school provided that, as soon as practicable thereafter, the student shall be informed of the nature of the charge against him/her and the evidence supporting it and be given the opportunity to present his/her side of the story within 24 hours. Oral and written notification of suspension shall be given to the parent.

2. While under suspension, suspended students shall not be permitted to participate in any school activity on property owned by the School District or any off-site school-sponsored activities except those associated with approved counseling and alternative educational programs. Students who are suspended also jeopardize their participation in future school programs.

3. Long-term Suspension — is any suspension from required attendance in excess of five days. Because of the seriousness of a long-term suspension, a Superintendent's hearing will be held and greater procedural safeguards will be observed.

### **PROCEDURE AFTER SUSPENSION**

"No pupil may be suspended for a period in excess of five days unless such pupil and the person in parental relation to such pupil shall have had an opportunity for a fair hearing, upon reasonable notice, at which such pupil shall have the right of representation by counsel, with the right to

question witnesses against such pupil and to present witnesses and other evidence on his behalf. "Where a pupil has been suspended as insubordinate or disorderly and said pupil is of compulsory attendance age, immediate steps shall be taken for his attendance upon instruction elsewhere or for supervision or detention of said pupil. (from Section 3214 of the Education Law.)

### **TEMPORARY REMOVAL OF DISRUPTIVE AND VIOLENT STUDENTS**

Disruptive students are defined as elementary or secondary students less than 21 years of age who are substantially disruptive of the educational process or who substantially interfere with a teacher's authority in a classroom. Disruptive students may be temporarily removed from class, consistent with the disciplinary measures in the Roslyn School District Discipline Code for Student Behavior. Violent students are defined in the statute as elementary or secondary students under 21 years of age who: commit acts of violence against any school employee, or attempt to do so; commit acts of violence on school property against any student or other person lawfully on school grounds, or attempt to do so; possess, on school property or at a school function, a weapon; display, while on school property or at a school function, a weapon; threaten, on school property, to use a weapon; knowingly and intentionally damage or destroy the personal property of any person lawfully on school property or at a school function; or knowingly or intentionally damage or destroy District property. As in the past, only school administrators and boards of education may discipline violent students.

### **RIGHTS AND RESPONSIBILITIES**

A student enrolled in Roslyn High School shall have the right and the responsibility to:

#### **SAFE ENVIRONMENT**

- To learn and participate in school activities in a safe environment.
- To learn in an environment free from interruption, harassment, bullying, discrimination, intimidation and fear.
- To be a law abiding citizen; to respect and/or care for school property and facilities; to respect the property of others.
- To assist in maintaining a clean and orderly school environment.
- To behave in a safe, courteous, and appropriate manner in school, on school transportation vehicles, and on school-sponsored field trips.
- To leave the school building promptly after school-sponsored activities or special events.
- To be responsible for securing lockers and personal belongings.

(PLEASE NOTE: student lockers are school property and may be searched and/or have the contents removed with or without prior notification. A lock, not issued by school, may be clipped to affect such a search or removal of property.)

#### **FAIR EVALUATION**

- To be evaluated fairly and frequently on the basis of clearly established course goals and objectives.
- To strive for the highest level of personal achievement possible; participate actively in the maintenance of an environment conducive to learning.
- To be on time and in regular attendance in school and in classes and to submit notes signed by a parent or guardian regarding absence or lateness.

- To meet with teachers at a mutually agreeable time in regard to missed work.
- To submit assignments, tests, and examination materials which are solely his/her own (not plagiarized, copied, or otherwise not clearly attributed to source).

### **CONSULTATION**

- To discuss personal issues with appropriate staff members.
- To discuss school-related issues with appropriate staff members such as classroom teachers, counselors, administrators, or other staff.
- To address the Board of Education on the same terms as any citizen.
- To bring to the attention of appropriate staff members information concerning unsafe or harmful conditions/situations with the understanding that confidentiality may be limited by legal obligations of staff.

### **STUDENT GOVERNANCE/FREEDOM OF EXPRESSION**

- To organize and promote a form of student government that is acceptable to the majority of students in the school. All students have the right to seek and hold office and to vote in student elections.
- To freedom of expression, to allow for the free exchange of diverse viewpoints, and maximum intellectual growth.
- To respect broad school and community sensibilities and sensitivities in written and/or verbal expression.
- To dress and conduct he /she in a manner socially appropriate for a high school setting.

### **PATRIOTIC EXERCISES**

- To participate, or to choose not to participate in a non-interfering manner, in the appropriate patriotic exercises provided by the school in accordance with State and local law.

### **SUSPENSION**

- To have his/her rights observed prior to suspension pursuant to Education Law 3214; including an opportunity to present his/her version of the facts and circumstances which may lead to disciplinary sanctions.
- To be familiar with and abide by general school procedures, policies, rules, and regulations pertaining to student conduct.
- To follow the appropriate directions of staff members.

### **PARTICIPATION**

- To participate in all aspects of the school program regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, sex, sexual orientation or disability.

### **INFORMATION**

- To be advised of, and to be given copies of, the Roslyn High School 9-12 Code of Conduct Rights and Responsibilities at the start of each school year.
- To be familiar with the policies and procedures outlined in the Roslyn High School 9-12

## Code of Conduct Rights and Responsibilities.

### **NOTE: ON DISCIPLINING STUDENTS WITH DISABILITIES**

A disabled student who engages in unacceptable behavior unrelated to his/her handicapping condition can be disciplined. Whenever possible, the special education director will be involved in a process which might result in disciplinary action. Such students are protected by Federal and State law as well as by Board of Education policy. The School District will in no way abridge the rights of a student with a disability.

### **OPEN SCHOOL REGULATIONS**

Roslyn High School maintains an open campus. In as much as cafeterias, study centers, the library, and computer centers are available during unscheduled periods, and since class attendance and punctuality are required, students are urged to take advantage of in-school facilities. If a student leaves campus during a lunch or unscheduled period, it is the student's responsibility to conduct himself/herself properly and to return to classes as scheduled. (Policy 5181) Students may not disturb classes in session, nor may they congregate in the halls. Abuse of the open school policy may result in loss of privileges.

### **SMOKING AND VAPING**

Smoking and vaping anywhere on school property is strictly prohibited according to Board of Education policy and New York State Law. Any person violating this law is subject to a civil fine and school disciplinary action.

### **BICYCLES, SKATEBOARDS, AND ROLLER BLADES**

Students may ride bicycles to school. Bicycles must be parked in the racks located at different areas outside the school. Bikes must be securely fastened to racks and locked at all times. We cannot be responsible for loss or damage which may occur. Skateboards and roller blades cannot be used in the building or on school property.

### **PORTABLE RADIOS, IPODS, PAGING DEVICES, LASER DEVICES, CELL PHONES AND OTHER ELECTRONIC DEVICES**

Students must follow regulations regarding the use of all electronic devices in the cafeteria and throughout the building. If these devices are used in unauthorized areas, they will be confiscated by teachers or administrators. Laser devices may not be used anywhere in the building.

### **STUDENT USE OF LAPTOPS/IPADS IN THE CLASSROOM IS A PRIVILEGE, NOT A RIGHT**

Laptops/iPads are a recognized educational tool for student use. Laptops/iPads are to be used for the task assigned by the teacher for that period. Examples: Class Notes, Research. Laptops/iPads may be used for formal assessment ONLY when directed by the teacher. Teachers are permitted to request a copy of notes taken by students in class. Any use of video recording and/or audio recording as well as photographs of teachers or students during classroom instruction is prohibited unless prior approval has been granted by a teacher or an administrator. Students are responsible for securing their laptops and all personal property. Roslyn High School is not responsible for lost or stolen property.

## **CONSEQUENCES FOR FAILURE TO ADHERE TO LAPTOP PROCEDURES**

Failure to follow laptop/iPads guidelines is considered insubordination. The first offense will result in a warning by the teacher. A second infraction will result in a call home and detention with the teacher. The third violation will result in referral to the Main Office and loss of privileges for a period of time to be determined based on the nature of the offense.

## **THE ROLE OF PARENTS/PERSONS IN PARENTAL RELATION**

A cooperative relationship between home and school is essential to each student's successful development and achievements. Research indicates that significant parental involvement in the education of their children leads to higher academic achievement, increased self-esteem, and fewer behavior problems. To achieve this wholesome relationship, parents are urged:

- To show an enthusiastic and supportive attitude toward school and education;
- To build a good working relationship between themselves and their child;
- To build good relationships with teachers, other parents and their child's friends;
- To teach their child self-respect, respect for the law, respect for others and for public property
- To help their child understand that in a democratic society appropriate rules are required to maintain a safe, supportive and orderly environment;
- To insist on prompt and regular attendance, and to ensure that absences from school are legitimate;
- To listen to the views and observations of all parties concerned;
- To recognize that teachers merit the same consideration and respect parents expect from their child;
- To encourage their child to practice good hygiene and grooming, and take pride in his/her appearance;
- To insist that their child promptly bring home all communications from school;
- To cooperate with the school in jointly resolving any school related problem;
- To set realistic standards of behavior for their child and resolve to remain firm and consistent;
- To help their child learn to deal effectively with negative peer pressure;
- To provide a place conducive for study and completion of homework assignments;
- To demonstrate desirable standards of behavior through personal example;
- To foster a feeling of pride in their child for their school;
- To provide support and positive reinforcement to their child;
- To inform school officials of changes in the home situation that may affect student conduct or performance;
- Bring any concerns of bullying, harassment or discrimination to the attention of the appropriate school official.
- To read, support and help their child to understand the District Code of Conduct and school rules.

Parents should be aware that they are responsible for any financial obligations incurred by their child in school, including but not limited to lost books, damage to property, etc.

## **REPORTING CODE VIOLATIONS**

### **1. To School District Personnel**

Students are expected to promptly report violations of the Code of Conduct to a teacher, school counselor, the Building Principal or in his/her absence, the Acting Building Principal. Students are

required to report any act or threat of violence, including but not limited to a student possessing a weapon, a bomb threat, threats to person or property whether oral, written or by electronic or digital means, whether occurring on or off school premises, as well as a student possessing an illegal substance on school property or at a school function. All District staff that are authorized to impose disciplinary consequences are expected to do so in a prompt, fair and lawful manner. District staff that are not authorized to impose disciplinary consequences are expected to report any violation of the Code of Conduct to the Building Principal or, in his/her absence, the Acting Building Principal. District staff are required to report any threat of violence and violent students to the Building Principal or, in his/her absence, the Acting Building Principal or the Superintendent of Schools. Any weapon, alcohol, illegal substance (including synthetic drug) or similar item found shall be confiscated immediately, if possible, maintained in a secure location, followed by notification to the student's parent and law enforcement as appropriate.

#### Reporting Incidents of Discrimination, Harassment and Bullying

Students who have been bullied, harassed and/or discriminated against, parents whose children have been bullied, harassed and/or discriminated against, or other students who observe bullying, harassing and/or discriminating behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel.

Staff members must promptly make an oral report of all complaints of bullying, harassment, and discrimination that they receive from students or others, whether oral or written, as well as any instances of bullying, harassment or discrimination that they are aware of, to the Principal of the school where the incident occurred not later than one school day after receipt of a report or witnessing an incident and shall file a written report with the Principal of the school where the incident occurred not later than two school days after making the oral report.

Reports of bullying, harassment and discrimination will be promptly investigated in accordance with District policies and procedures.

Retaliation by any school employee or student against any individual who, in good faith, reports or assists in the investigation of harassment, bullying and/or discrimination is prohibited under law.

#### Dignity Act Coordinator Contact Information

The name and contact information for each school building's Dignity Act Coordinator(s) is provided below:

Name	School Building	Contact Information
Scott Andrews	High School	801-5101
Carol Murphy	High School	801-5100
Dave Lazarus	High School	801-5100
Jennie Yi	High School	801-5115

#### 2. To Local Law Enforcement Agencies

The Principal or his/her designee will report any code violations, including but not limited to incidents of harassment, bullying and/or discrimination, which may constitute a crime, and

substantially affect the order and security of the school to the appropriate local law enforcement agency. The report shall be made as soon as practical but in no event later than the close of business on the day the Principal or his/her designee learns of the violation. The notification may be made by telephone, followed by a letter mailed on the same day as the telephone call is made. The notification must identify the student or other individual and explain the conduct that violated the Code of Conduct and constituted a crime. When necessary, the District will file a complaint in criminal court against the actor. Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, and secured, followed by notification to the parent of the student involved and referral for discipline.

### 3. To Human Services Agencies

When necessary, the District will file a juvenile delinquency petition or a person in need of supervision (PINS) petition in Family Court.

### **PROHIBITION AGAINST SEXUAL HARASSMENT - Policy 0110**

The Board of Education recognizes that harassment of students, staff and certain non-employees (including but not limited to contractors, subcontractors, vendors, consultants and other persons) on the basis of sex, gender, gender identity, gender expression and/or sexual orientation is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board of Education further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board of Education 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 School District.

#### **Sexual Harassment Defined**

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature.

"Gender-based harassment" means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender/sexual stereotypes, gender identity or expression.

Sexual or gender-based harassment can deny or limit an individual's ability to participate in or to receive benefits, services, or opportunities from the School District.

Sexual or gender-based harassment occurs when:

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or "non-employees'" employment or 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 a factor in decisions affecting an employee's or "non-employees'" employment or a student's education; or
3. 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 a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment.

"Sexual violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A person may be incapable of giving consent due to age, drug or alcohol use, or an intellectual or other disability. Sexual violence includes, but is not limited to, acts such as rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment.

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 identified below. The School District's Code of Conduct also addresses appropriate behavior in the school environment. Where alleged sexual harassment involves discrimination, harassment, and/or bullying as defined by the Dignity of All Students Act (DASA) and the District's DASA policy (0115), the appropriate guidelines set forth therein shall also apply.

### **Prohibited Conduct**

School-related conduct that the School District considers unacceptable and which may constitute sexual harassment is prohibited. Such conduct 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;
2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
3. unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings 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,

- sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, 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," "mooning," "nuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking"/"pantsing" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
  8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading 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 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. any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.

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

### **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 or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment.

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 or altered the conditions of the 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 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;
  8. incidents of gender-based, but non-sexual harassment; and
  9. any other matters considered relevant.

### **Reporting Complaints**

Because sexual harassment can occur staff to staff, student to student, staff to student, student to staff, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student, employee, or “non-employee”.

In order for the Board of Education to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The School 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.

The School District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender. In addition, the Board of Education will designate an alternate individual for compliance with this policy so that individuals who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harasser is a Compliance Officer.

Victims of sexual harassment are urged to come forward and to make reports of such sexual harassment to the Compliance Officer and/or Title IX coordinator without fear of retaliation or intimidation. Due to the sensitive and serious nature of these complaints, investigations or allegations of sexual harassment will be conducted with due regard for confidentiality. It is the School District’s policy to respect the privacy of all parties and witnesses to complaints of sexual harassment.

In order to assist investigators, victims 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 victim's response to the harassment.

### **Confidentiality**

It is the School District’s policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the School 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 School 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 School 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 School District's ability to respond to his/her complaint;
2. School District policy and federal law prohibit retaliation against complainants and witnesses;
3. the School District will attempt to prevent any retaliation; and
4. the School 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 School District from responding effectively to the harassment and preventing the harassment of other students or employees.

## **Investigation and Resolution Procedure**

### **A. Initial (Building-level) Procedure**

The Compliance Officer or designee shall 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 Compliance Officer 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.

As soon as possible but no later than three (3) working days following receipt of a complaint, the Compliance Officer should begin an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, 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 victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. 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.
4. Instruct the alleged harasser to have no contact or communication regarding the

complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.

5. 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.
6. Review all documentation and information relevant to the complaint.
7. 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 School 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.
8. Parent/Student/Employee Involvement and Notification
  - a. Parents of student victims and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
  - b. If either the victim 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 Compliance Officer or his/her designee shall submit a copy of all investigation and interview documentation to the Superintendent of Schools.
  - d. The Compliance Officer 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 Compliance Officer or his/her designee shall instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
  - e. The Compliance Officer or his/her designee shall notify the victim that if he/she desires further investigation and action, he/she may request a School District level investigation by contacting the Superintendent of Schools. The Compliance Officer or his/her designee shall also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil

Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

If the initial investigation results in a determination that sexual harassment did occur, the Compliance Officer or his/her designee will promptly notify the Superintendent of Schools, who shall then take prompt disciplinary action in accordance with School District policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Compliance Officer 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 of Schools. In addition, where the Compliance Officer has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent of Schools, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a School District employee, the accused employee shall 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 Compliance Officer may request a School District-level investigation by submitting a written complaint to the Superintendent of Schools within thirty (30) calendar days.

#### B. School District-level Procedure

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

The School District level investigation should begin as soon as possible but not later than three (3) working days following receipt of the complaint by the Superintendent of Schools or Board of Education President.

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

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

No later than thirty (30) working days following receipt of the complaint, the Superintendent of Schools (or in cases involving the Superintendent of Schools, the Board of Education-appointed investigator) will notify the victim 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 of Schools or Board of Education-appointed investigator will provide all parties with a written status report within thirty (30) days following receipt of the complaint.

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense. In addition, victims have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

Employee victims also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

### **Corrective Action**

If, after appropriate investigation, the School 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 applicable collective bargaining agreement, School District policy and state law. Mandatory arbitration clauses concerning sexual harassment claims are prohibited in all School District contracts and agreements, except as required by an applicable collective bargaining agreement.

The School 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. 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**

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind. Any act of retaliation against any person who complains of sexual harassment, 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 concerning 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, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

### **Legal Protections and External Remedies**

As stated above, sexual harassment is not only prohibited by the School District but is also prohibited by state, federal, and, where applicable, local law. Complainants are advised that the

School District's internal investigatory procedures do not toll the time within which claims are required to be filed pursuant to federal, state or local law.

### **State Human Rights Law (HRL)**

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to the School District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: [www.dhr.ny.gov](http://www.dhr.ny.gov). Contact DHR at (888) 392-3644 or visit [dhr.ny.gov/complaint](http://dhr.ny.gov/complaint) for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

### **Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at [www.eeoc.gov](http://www.eeoc.gov) or via email at [info@eeoc.gov](mailto:info@eeoc.gov). If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

## **Title IX**

Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The U.S. Department of Education’s Office for Civil Rights (OCR) is responsible for the enforcement of Title IX. OCR evaluates, investigates, and resolves complaints alleging sex discrimination. OCR also conducts proactive investigations, called compliance reviews, to examine potential systemic violations based on sources of information other than complaints.

For assistance related to Title IX or other civil rights laws, please contact OCR at [OCR@ed.gov](mailto:OCR@ed.gov) or 800-421-3481, TDD 800-877-8339.

## **Dignity for All Students Act**

The Dignity for All Students Act (DASA), codified as N.Y. Education Law, Art. 2, § 10 et seq., protects all students from harassment, bullying and discrimination while on school grounds and during school activities based on numerous protected classes, including, but not limited to sexual orientation, gender (including gender identity and expression), and sex. A complaint alleging a violation of DASA may be made to one of the School District’s Dignity Act Coordinators and/or any staff member in accordance with the School District’s policy.

## **Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

## **Discipline/Penalties**

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Sexual harassment by employees is considered employee misconduct. 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 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. Discipline may also be imposed upon management and administration who knowingly allow prohibited behavior(s) to continue.
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 School 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**

In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment including but not limited to the following:

1. All students and employee shall be informed of this policy in student and employee handbooks and student registration materials. The policy shall be posted on the School District's website and in prominent locations at each school.
2. All new employees shall receive information about the policy and procedures concerning the prohibition against sexual harassment at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and school district's commitment to a harassment-free learning and working environment. Principals, Title IX Officer/Coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive a yearly training on this policy, procedures and related legal developments.
3. Program directors and principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy,

including 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 victim.

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.

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.

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

Cross Ref:     Policy 5300 Code of Conduct  
                  Policy 0100 Equal Opportunity  
                  Policy 0115 Dignity for All Students

Ref:     Education Amendments of 1972, Title IX, 20 U.S.C. §1681 et seq.  
          Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.

Adoption date:     February 7, 2019

Please see the district website for Formal Complaint Form - Policy 0110 – E-2