

NONDISCRIMINATION IN PUBLIC ACCOMMODATIONS

I. Statement of Policy

- A. The Vernon-Verona-Sherrill School District provides its programs to the public and does business with vendors without consideration of an individual's race, color, creed, religion, national origin, (regardless of English language skills), age, sex, sexual orientation, marital status, military or veteran status, disability, predisposing genetic characteristics, arrest record, or prior criminal convictions, except when sex or age are a bona fide occupational qualification, when a criminal conviction is related to job duties, and when an individual's religion or disability warrants reasonable accommodation. The District also provides equal access to the Boy Scouts of America and other groups designated by federal law.
- B. District facilities shall be designed, constructed, and maintained so that, when each part of the District's program is viewed in its entirety, that part of the program is readily accessible to all persons with disabilities.
- C. This Policy shall be interpreted and implemented so that the District complies with its obligations under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1975, Section 504 of the Rehabilitation Act of 1973, the Americans With Disabilities Act, and the New York State Human Rights Law. This Policy does not prohibit actions that are permissible under Section 504 of the Rehabilitation Act of 1973.

II. Harassment Prohibited As A Form of Discrimination

- A. The District's Code of Conduct (Policy 1025) prohibits harassment, bullying and discrimination, and it applies to conduct by District employees, District students, and anyone else on school property or at a school event.
- B. Conduct (including verbal conduct) directed at a member of the public will be classified as harassment or discrimination in violation of this Policy if it is motivated by that person's race, color, creed, religion, national origin, age, sex, sexual orientation, marital status, military or veteran status, disability, predisposing genetic characteristics, arrest record, or prior criminal convictions, and
 - 1. It has the purpose or the effect of substantially interfering with the person's access to District programs or services, or

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2. The person is explicitly or implicitly told that they must submit to that treatment in order to receive or continue to receive access to District programs or services.
- C. When determining whether particular conduct or statements are to be classified as prohibited harassment, the District will consider the intent of the person engaging in the conduct or making the statement; however, the determining factor will be whether the person at whom the conduct or statement was directed reasonably experienced the conduct or statement as unwelcome harassment.
- D. Any member of the public who feels that they have experienced prohibited discrimination or harassment should bring this to the District's attention by using the Complaint Procedure described below.

III. Compliance Coordinator

- A. The District's Compliance Coordinator for purposes of implementing this Policy shall be:

Director of Pupil Services and Personnel Development
Vernon-Verona-Sherrill School District
5275 Route 31
Verona, New York 13478
(315) 829-2520
- B. The Compliance Coordinator is responsible for receiving, investigating, and resolving complaints of conduct that may violate this Policy and the applicable federal laws, as described more fully below. The Compliance Coordinator is also responsible for overseeing the implementation of corrective action when necessary, including the making of reasonable accommodations for employee disabilities.
- C. The Compliance Coordinator shall insure that this Policy and the availability of the complaint procedure is communicated to students, staff, and the community.
- D. The Compliance Coordinator shall recommend revisions and updates of this Policy as may be necessary.
- E. When a report complains of possible discrimination by the Compliance Coordinator, the Superintendent shall designate another school official to conduct the necessary fact-finding and make recommendations.

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- F. The Compliance Coordinator, with the concurrence of the Superintendent, may appoint a special fact-finder to carry out the responsibilities of the Compliance Coordinator when the circumstances of a particular report warrant that action.

IV. Complaint and Fact-finding Procedure

- A. Complaint Procedure: The Superintendent, after consultation with the Compliance Coordinator, shall promulgate a form to be used by members of the public to report conduct that may be a violation of this Policy. The Compliance Coordinator shall make sure that the form is available in all school buildings, in paper, on the District's website, and that the availability of the form is known to those who may need to use it. The use of this form is encouraged, but not required; the Compliance Coordinator shall conduct an investigation anytime a written or oral report is received that contains enough information to reasonably investigate.
 - 1. A member of the public may report possible discrimination or harassment directed at them or another person to any District administrator or directly to the Compliance Coordinator. If the report is about conduct by the Compliance Coordinator, the report may be made to the Superintendent.
 - 2. If a member of the public makes a verbal report, they shall be asked to make a written report and told of the availability of the Report form.
 - 3. If the report is made to a District administrator, that administrator is responsible to forward the report to the Compliance Coordinator.
- B. Fact-finding Inquiry: Upon receiving a report of a possible violation of this Policy, the Compliance Coordinator shall log the report and conduct an investigation designed to determine with a reasonable degree of probability what actually transpired, whether there has been a violation of the Policy, and what, if any, remedial action is appropriate.
 - 1. The fact-finding inquiry should begin promptly after receiving the complaint, and be pursued with sufficient diligence to reach a conclusion within a reasonably prompt time frame.
 - 2. The inquiry should determine with as much detail as possible the sequence in which events occurred, the identity of each person involved and their respective roles, and the exact words spoken by each participant.

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3. The inquiry shall include an opportunity for any person who has been identified as possibly violating this Policy to respond to each assertion made against them.
 4. Interviews shall be scheduled and conducted in compliance with applicable provisions of New York law.
 5. The Compliance Coordinator shall analyze and document the available evidence to support reliable decisions, objectively evaluate the credibility of parties and witnesses, synthesize all available evidence, and take into account the unique and complex circumstances of each case.
 6. Each person interviewed shall be reminded that they are protected by the non-retaliation provision of this Policy, and that they are bound by that provision.
- C. Resolution: The Compliance Coordinator shall prepare a written report with findings of fact and conclusions as to whether the facts support a finding of responsibility for violation of this Policy, and, if it did, what corrective action should be taken. Conclusions shall be based upon a preponderance of the evidence gathered.
1. If the determination is that this Policy has not been violated, the person who made the report, and each person whose conduct was challenged, shall be told of that determination verbally and in writing. The person who made the report shall be told of the option to have the determination reviewed.
 2. If the determination is that this Policy has been violated, the person who made the report of possible discrimination shall be told of that determination verbally and in writing and, consistent with the confidentiality accorded to student and personnel records, told that appropriate corrective action has been taken to deter any repetition of the offending conduct. The person whose conduct violated the Policy shall have that explained to them, shall be told of the corrective action being taken by the District, and shall be told of the option to have the determination reviewed.
- D. Confidentiality: It shall be explained to anyone making a report or providing information about a report that the District does not reveal information about reports or the investigation process except to the extent necessary to fulfill its

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legal obligations to make as complete an inquiry as possible and to take appropriate corrective action when discrimination has occurred.

- E. Immediate Corrective Action: The Superintendent has discretion to implement immediate corrective action pending the completion of a fact-finding inquiry to protect an individual when the Superintendent concludes that the circumstances of a particular complaint warrant that action.

- F. Review of Coordinator's Determination: If a person who initiated a report of possible discrimination, or a person whose conduct was challenged by a report of possible discrimination, is not satisfied with the determination of the Compliance Coordinator (or other designated investigator), they may request that the determination be reviewed by the Superintendent.
 - 1. A request for the Superintendent to review must be made in writing, filed with the Board Clerk within 10 business days of receiving the written notice of the determination.
 - 2. The person requesting review shall provide a written explanation of their objection(s) to the determination, including the corrective action taken, if any.
 - 3. The Superintendent shall provide the written determination within 30 calendar days of receiving the written request for review.

V. Remedial Measures When This Policy is Violated

- A. An employee found to have violated this Policy in the course of his/her employment will be subject to discipline, up to and including termination, in accordance with other District policies (e.g. the Code of Conduct) and applicable statutes and collective bargaining agreements.

- B. A student found to have violated this Policy while participating in a school activity or on school property will be subject to discipline in accordance with other District policies (e.g. the Code of Conduct), the New York State Education Law, and any other applicable statutes.

- C. Any other person found to have violated this Policy while participating in a school activity or on school property will have their future access to school activities limited, as deemed appropriate under the circumstances.

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- D. If the Compliance Coordinator determines that conduct that has been the subject of a complaint under this Policy has created a hostile environment, then the District shall implement corrective action to end the hostile environment.

VI. No Retaliation

No employee or student shall take a retaliatory action, or request or cause anyone else to take a retaliatory action, against any person who, in good faith, reports information about a possible violation of this Policy to a District employee or who initiates a report or testifies or assists or participates in the investigation of a report.

VII. Training and Publication of Policy:

- A. All District employees will be notified at the beginning of each school year, or at the time of initial employment, of this Policy and the conduct expectations established by it.
- B. A summary of this Policy shall be posted as part of the District’s website, and shall be distributed periodically with District publications.
- C. The Compliance Coordinator shall receive periodic training regarding the District’s obligations under the applicable federal and state laws, as well as technical training in the conduct of investigations and resolution of complaints

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Legal Ref: Title IX, Education Amendments of 1972 (20 U.S.C. Section 1681, 45 CFR. Part 86); Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794, 45 CFR Part 84); The Americans With Disabilities Act (28 CFR 35.107(b)); Civil Rights Act of 1964, Title VI and Title VII; Americans with Disabilities Act of 1990 (42 U.S.C. Sections 12101-12213, 29 C.F.R. Part 1630); Age Discrimination in Employment Act (29 U.S.C. Sections 621-634); EEOC guidelines (29 CFR Part 1609.1 and 1609.2); and NYS Human Rights Law, (Article 15, NYS Executive Law).

Cross Ref: 0015.1, Report of Possible Discrimination; 1025, Code of Conduct; 6010, Nondiscrimination in Employment; 7100, Prohibition of Discrimination, Harassment and Bullying; 7101, Nondiscrimination in Educational Services

Adopted: 11/27/17