

Kenmore-Town of Tonawanda UFSD

EMPLOYEE HANDBOOK



2022 - 2023

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INTRODUCTION

KENMORE – TOWN OF TONAWANDA SCHOOL DISTRICT

As an employee of the Ken-Ton Schools, you are part of one of the largest school districts in Western New York. Ken-Ton has a long-standing tradition of excellence stemming from a conscientious and dedicated Board of Education, active community interest, strong parental support, and a staff committed to high educational standards. The following is a brief summary of that tradition.

The first school in the Town “was opened in an unoccupied house near the mouth of Tonawanda Creek” (c. 1816). Four one-room schools had been built in the Town by the end of the Civil War (1865). One was located on the east side of River Rd. near the south Grand Island Bridge; the second was on the west side of Two Mile Creek Rd. and south of Sheridan Dr.; a third was located on the west side of Delaware Ave. near Brighton; and the fourth was on the east side of Eggert Rd. at Fries Rd. By 1892, there were five district schools; however, none provided education past grade eight. High school students had to travel to Buffalo or the village (future city) of Tonawanda until Kenmore High School opened in 1911; elementary students were also educated there. The school stood where the Municipal Building now stands at the intersection of Delaware Ave. and Delaware Rd., and would later become Washington Elementary.

So many people were moving into the Town in the first two decades of the twentieth century that the District’s enrollment was increasing at a rate of 20% some years. In 1924, the first junior/senior high school opened – the present Kenmore Middle School. Continued population growth during the 1920s and ‘30s led to the construction of Kenmore Senior High School (now Kenmore West). A grant from President Roosevelt’s Public Works Administration aided this Depression era project that opened in 1940. It was also during this era that the Town’s four small preexisting school districts were brought together as one. This feat was accomplished by 1938 and left only the northeast corner of the Town to the neighboring Sweet Home School District. The leadership for this process was provided by Frank Densberger, who was appointed Superintendent of Kenmore Schools in 1922, and effectively became, through consolidation, Ken-Ton’s first superintendent until he retired in 1953.

Following World War II, the Town experienced a population boom, growing by 90% during the 1950s. As a result, the District was forced to open thirteen additional elementary schools, two more junior high schools (Franklin and Hoover, 1950), and one new high school (Kenmore East, 1959) to accommodate a student population that grew from 7,000 in 1947 to 20,000 by 1960. The Administration Building on Colvin Blvd. was also opened during this era (1956).

In 1967 the School Board recognized the Kenmore Teachers’ Association (KTA) as the teachers’ bargaining unit, and in 1969 the District permanently joined the Board of Cooperative Educational Services (BOCES) to provide students with vocational training. By the late ‘60s student enrollment peaked at 22,500. The 1970s and ‘80s, however, saw a steep decline in student enrollment. The Town’s shrinking industrial base, coupled with a decrease in average family size, forced the District to close eleven elementary schools by 1988, including: Robert

Frost, Brighton, Jane Addams, Horace Mann, Betsy Ross, Lincoln, Green Acres, Longfellow, Sheridan, Sheridan Parkside, and Washington.

In the late 1980s and early '90s, twelve of the District's schools were recognized as New York State Schools of Excellence, and seven were recognized as National Schools of Excellence. The first New York State Governor's Excelsior Award, for excellence in the education sector, was also awarded to the District in 1992.

Currently, the Ken-Ton School District provides services to nearly 7,000 students in grades pre-kindergarten through twelve, and consists of (2) high schools, the Big Picture Program, (2) middle schools, and (5) elementary schools, including: Edison, Franklin, Holmes, Hoover, and Lindbergh. In addition to the administrative and teaching staff, the District's support staff includes teacher aides, clerical, health, buildings and grounds, food services, and transportation services. The District is the Town's second largest employer, with over 1,600 employees. Its current operating budget is approximately \$170,000,000. The District's Staff Development Center has been recognized as an "exemplary program" by the National Council of States on In-Service Education, and all employees of the District have access to it, in accordance with the District's philosophy of creating a collaborative learning community.

References:

"Overview," Employee Handbook, Kenmore-Town of Tonawanda Union Free School District, Nov. 2004.

Robert W. Silsby, Settlement to Suburb (Tonawanda, NY: Sterling C. Sommer Inc., 1997) 11.

"Schools Closed," Memo, Ken-Ton Schools: Buildings and Grounds Department, 12 July 1991.

"District Highlights," Memo, Ken-Ton School District: Office of the Superintendent, 15 May 1996.

Kenmore Town of Tonawanda Union Free School District, 26 Sept. 2007 <<http://www.kenton.k12.ny.us///.asp>>.

Robert Dimmig, Executive Director: Town of Tonawanda Development Corp., "Re: Statistic," E-mail to Dean Mesi, 11 Sept. 2007.

Denise Crowley, Interview with the Secretary for the Assistant Superintendent for Finance of the Ken-Ton School District. 28 Sept. 2007.

Don Smyton, Interview with the Director of the Staff Development Center for the Ken-Ton School District, 28 Sept. 2007.



MISSION

The Ken-Ton school community will provide our students with the supports, tools and diverse opportunities needed to meet the challenges of an ever-changing world

VISION

A community that creates dynamic learners who possess social awareness, confidence and a belief in their power to succeed

VALUES

Mutual Respect, Independence, Trust Teamwork, Integrity,
Passion for Excellence, Responsibility

Ken-Ton Forward

2018 - 2023 Strategic Plan

We are pleased to present our new five-year strategic plan entitled “Ken-Ton Forward.” This plan establishes a renewed vision, mission, core values, and strategic long-range goals for the Kenmore-Town of Tonawanda School District. The plan also establishes an operational blueprint to achieve those goals and guide decision making for years to come. Throughout this process, stakeholder involvement was extremely important because the entire Ken-Ton School District community has a vested interest in the success of all students and an important role to play in the education of our children. The development of “Ken-Ton Forward” was guided by a Core Team of stakeholders with representation from the Board of Education, teachers, administrators, support staff, district office, students, parents, law enforcement, senior citizens, business owners, the Town Council, and the Village of Kenmore.

The Core Team had the opportunity to look back at where we’ve been, envision where we want to be, and examine our strengths as well as areas of need. They identified three fundamental areas where they saw the greatest opportunity to achieve meaningful progress for our students: academic support, social-emotional well-being, and technology. They developed measurable goals in each of those three areas and convened individual task forces to fully develop a plan to achieve those goals, which will be guided by continuous progress monitoring to ensure we remain on track. The Ken-Ton School District has a long and proud history that dates back more than 125 years.

We are a unique and diverse school district that is among the largest in Western New York. We have a world-class staff, proud school communities, strong institutional values and traditions, and unrivaled academic programs. The district has a very strong foundation, and “Ken-Ton Forward” will allow us to take the success of our students, schools, and staff to new heights. The future is filled with opportunity and promise, and we hope everyone shares our excitement as we embark on this new chapter!



Strategic Intents & Strategy Areas:

Instruction for All Students:

By 2022-23, all district schools in Ken-Ton will provide comprehensive academic opportunities that support and extend learning in the critical areas of core instruction, academic intervention, and accelerated programming so that all K-12 students may achieve their highest potential.

Strategy Areas:

- #1: Core Instruction
- #2: Academic Intervention
- #3: Accelerated Programming

Technology:

By 2022-23, Ken-Ton will embody a culture of innovation by providing all district schools increased access to technology-rich resources to enhance every aspect of our learning community.

Strategy Areas:

- #4: Integration of Technology
- #5: Technology Devices and Infrastructure
- #6: Engaging All Learners

Social-Emotional Wellness:

By 2022-2023, Ken-Ton will provide the necessary staff, support, and structures so that 85% of Ken-Ton students will display improvement in social-emotional wellness as compared to our baseline measures.

Strategy Areas:

- #7: Student Resilience
- #8: Create a Trauma-Informed School District/Embed Restorative Practices

Ken-Ton Schools and Departments

ELEMENTARY SCHOOLS	MIDDLE SCHOOLS	HIGH SCHOOLS
<p>Edison 874-8416 Internal phone #28500 Fax 874-8526 236 Grayton Road Tonawanda, NY 14150-8620 David King Principal Joe Mitrovits Asst. Principal Deborah Williams Lead Secretary</p> <p>Franklin Elementary 874-8415 Internal phone #26500 Fax 874-8520 500 Parkhurst Boulevard Buffalo, NY 14223-2199 Kia Evans Principal Kelly Radley Asst. Principal Kelly Sears Lead Secretary</p> <p>Holmes 874-8423 Internal phone #29500 Fax 874-8520 365 Dupont Avenue Tonawanda, NY 14150 Matthew Raines Principal Claire Licata-Michael Asst. Principal Karen Kren Lead Secretary</p> <p>Hoover Elementary 874-8414 Internal phone #24500 Fax 874-8460 199 Thorncliff Road Buffalo, NY 14223-2317 Michael Huff Principal Danielle Frye Asst. Principal Tammy Notto Lead Secretary</p> <p>Lindbergh 874-8410 Internal phone #27500 Fax 874-8570 184 Irving Terrace Buffalo, NY 14223-2317 Ann Maccagnano Principal Bree Knight Asst. Principal M. Veronica Parry Lead Secretary</p> <p>Hamilton UPK 874-8419 Internal Phone # Fax 874-8419 44 Westfall Drive Tonawanda, NY 14150</p> <p style="text-align: center;">KTA – 205 Yorkshire Road Tonawanda, NY 14150 Tel. 837-3710 Fax 833-1096</p> <p>KTSEA – 837-3850 CAMPUS CONSTRUCTION 871-2095 X 30463</p>	<p>Franklin Middle 874-8404 Internal phone #25500 Fax 874-8480 540 Parkhurst Boulevard Buffalo, NY 14223-2198 Marco Galante Principal TBD Asst. Principal Lorraine Campbell Lead Secretary</p> <p>Hoover Middle 874-8405 Internal phone #23500 Fax 875-8470 249 Thorncliff Road Buffalo, NY 14223-1277 Elaine Thomas Principal Michelle Jaros Asst. Principal Michael Haggerty Asst. Principal Candy Nelson Lead Secretary</p> <p>Kenmore Middle 875-8403 Internal phone #32500 Fax 874-8650 155 Delaware Road Buffalo, NY 14217-2497</p> <p>Big Picture Program 874-8403 Kevin Kruger Ext. 32326 Andra Fik Ext. 32325 Nadine Brown (Pro. Coord.) Ext. 32328 Main Office Ext. 32500 Michael Panepinto ... 871-2060 Ext. 32516</p> <p>Instruction Support Specialists Ext 32526 Home Instr. Clerical Ext. 32517 Structured Suspension Ext. 32102 Mentors Ext. 32313 Wendy Christopher Cook Mgr. Ext. 32550 Adele Turek Ext. 32540 Debra Carey Ext 32541</p> <p style="text-align: center;">Staff Development Elaine Ablove Ext. 32600 Nicole Bernard Ext. 32601 Tammy Sempert Ext. 32603 Diane Stoll Ext. 32602</p> <p style="text-align: center;">Adult and Community Education Liza Acanfora Ext. 32232 Denise Jurewicz Ext. 32631 Kate Simmons Ext. 32622 Kathy Talty Ext. 32621</p> <p style="text-align: center;">CREDIT UNION 2265 Sheridan Drive Buffalo, NY 14223 Tel. 877-1630 Fax 877-6456</p> <p style="text-align: center;">KTA – 837-3710 Fax 833-1096 205 Yorkshire Road</p>	<p>Kenmore East 874-8402 Internal phone #22500 Fax 874-8443 350 Fries Road Tonawanda, NY 14150-8899 Trevor Brown Principal Shawn Siddall Asst. Principal Joseph Greco Asst. Principal Deborah Cahill Lead Secretary</p> <p>Kenmore West 874-8401 Internal phone #21500 Fax 874-8527 33 Highland Parkway Buffalo, NY 14223-1399 Dean Johnson Principal Dr. Denise Grandits Asst. Principal TBD Asst. Principal TBD Asst. Principal Jo Ann Marek Lead Secretary</p> <p>Athletic Office 871-3082 Fax 873-1259 Brett Banker Ext. 21630 Lindsay Bergman Ext. 21630 Leah Canestero Ext. 21630 Deana Dymond Ext. 21630</p> <p style="text-align: center;">Encore Marie Whitney Ext. 21633</p> <p style="text-align: center;">BUILDING & GROUNDS Internal #20341 1494 Colvin Boulevard Buffalo, NY 14223-1118 Tel. 874-8474,-75.....Fax 874-8473 Tim Ames Director John Willie Asst. Director Bernadette Kankiewicz Lead Secretary</p> <p style="text-align: center;">TRANSPORTATION 1680 Military Road Buffalo, NY 14217 Tel. 874-8611 Fax 874-8618 TBD, Supervisor Ext. 30087 Marion Linneborn, Head Bus Dr..... Ext. 30074 Linda Kieffer, Head Bus Dr Ext. 30071 James Ciulis, Trans. Coord Ext. 30073 Eric Wood, Trans. Clerk Ext. 30069 Beth Kasperszack, Secretary Ext. 30098 Nicole Herr, Print Shop Ext. 30077</p> <p style="text-align: center;">LONGFELLOW 255 Myron Road Buffalo, NY 14217-2440 Tel. 874-8510 Family Support Center/Homeless Intervention Tel. 874-8510 Fax 874-8499 TBD, Intervention Coordinator Melissa Dietz-Schall, Secretary Teresa Crawford- 871-2093 Ext. 31811</p>

BARGAINING UNITS AND UNION ACTIVITIES

Kenmore Teachers Association (KTA)

This unit covers those positions outlined in Article 1, Recognition, in the collective bargaining agreement. The president for the 2022-23 school year is Mr. Jeff Orłowski.

Ken-Ton School Employees Association (KTSEA)

This unit covers those positions outlined in Article I, Recognition, in the collective bargaining agreement. The president for the 2022-23 school year is Mr. Josh Frasier.

Kenmore Administrators Association (KAA)

This unit covers those positions outlined in Article I, Recognition, in the collective bargaining agreement. The president for the 2022-23 school year is Mr. Matt Raines.

Union Activity in General

Except as provided by law or collective bargaining agreement, work time is not to be used to conduct union business or promote activity.

The bargaining units and the District, pursuant to Section 209-a of Civil Service Law, shall not interfere with, restrain or coerce any employees in exercising their individual or collective rights in accordance with Article 14 of the Civil Service Law (i.e., Taylor Law).

SELECT POLICIES

SOCIAL MEDIA – 3121

The Board of Education recognizes that new and rapidly changing technologies open doors both to opportunities and to risks for school districts, their communities, and their individual members. This policy primarily addresses the risks of such technologies, particularly Internet-based social media, and the responsibility of all Kenmore-Town of Tonawanda Union Free School District personnel to be aware of and to avoid the pitfalls.

While such expressions may be intended to be private, the nature of the internet often spreads them to the public in rapid, dramatic, and devastating ways. And as new technologies and new ways of using them continue rapidly to emerge, such abuses may take different forms which hurt individuals and disrupt the educational context in ways as yet unknown.

The Board of Education has no interest in curtailing the right to free speech of any members of its community. However, the Board expects all students, staff and parents to maintain mutually respectful and professional relationships toward one another at all times, whether in cyberspace or in school. The Board considers each individual responsible for maintaining the privacy of any thoughts or communications that may disrupt the Kenmore-Town of Tonawanda Union Free School District educational atmosphere or harm individuals. In addition, each individual is fully responsible for understanding that an expectation of privacy in cyberspace is likely to be illusory.

Board Policy #6180 -- Staff-Student Relations (Fraternization) requires staff to "establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety." That expectation applies to all contexts, including social media and cyberspace.

In the event that postings on social media or the internet result in the disruption of the Kenmore-Town of Tonawanda Union Free School District or its classrooms or inflict harm on any of its people, the District will consider its response on a case-by-case basis. Depending on the seriousness of the disruption or the extent of harm, the District will explore and may apply whatever appropriate consequences are within its power to impose, up to and including suspension, termination, or legal action.

As the dynamics and impact of electronic social media continue to change, and as related laws and court decisions evolve, the Board will monitor and adjust this policy to assure its legitimacy and effectiveness.

Cross References

6110 - Code of Ethics for Board Members and All District Personnel

6180 - Staff-Student Relations (Fraternization)

6410 - Staff Acceptable Use Policy

7315 - Student Use of Computerized Information Resources (Acceptable Use Policy)

ADULT SCHOOL VOLUNTEERS – 3150

The Board recognizes the need to develop an adult school volunteer program to support District instructional programs and extracurricular activities. The purpose of the volunteer program will be to:

- a) Assist employees in providing more individualization and enrichment of instruction;
- b) Build an understanding of school programs among interested citizens, thus stimulating widespread involvement in a total educational process;
- c) Strengthen school/community relations through positive participation.

Volunteers are persons who are willing to donate their time and energies to assist principals, teachers, and other school personnel in implementing various phases of school programs. Volunteers shall serve in that capacity without compensation or employee benefits except for liability protection under the District's insurance program.

There are two levels of volunteer involvement with the schools:

Volunteers seeking to assist the schools on an occasional basis, e.g., chaperoning a field trip or helping with a class day activity, should contact the school several days before the event to notify the principal that the volunteer will be in building and the purpose for his/her presence. The principal shall make a note of the volunteer's presence in the building.

Individuals volunteering time in school on a regular basis, e.g., monitoring a math lab one morning a week, shall meet with the principal to discuss the responsibilities of the volunteer, learn about the routines of the building, and provide the principal with some background about the volunteer and past experiences working with children.

An application shall be filled out by each prospective volunteer and forwarded to the District Office for evaluation. The Building Principal will forward his/her decisions concerning selection, placement and replacement of volunteers to the Superintendent for final evaluation. Following approval from the Superintendent of Schools, volunteers selected for work in the District shall be placed on the list of approved volunteers. However, the Superintendent retains the right to approve or reject any volunteer applications submitted for consideration.

Administrative regulations will be developed to implement the terms of this policy.

Volunteer Protection Act of 1997, 42 USC § 14501 et seq.
Education Law §§ 3023 and 3028
Public Officers Law § 18

CIVILITY POLICY – 3180

Members of the School District staff will treat parents and other members of the public with respect, and expect the same in return. The District must keep schools and administrative offices free from disruptions and prevent unauthorized persons from entering school/District grounds.

Accordingly, this policy promotes mutual respect, civility, and orderly conduct among District employees, parents, and the public. We do not intend this policy to deprive any person of his or her right to freedom of expression. Rather, we seek to maintain, to the extent possible and reasonable, a safe, harassment-free workplace for our students and staff. In the interest of presenting teachers and other employees as positive role models, we encourage positive communication and discourage volatile, hostile, or aggressive actions. This District seeks public cooperation with this endeavor.

Disruptive Individual Must Leave School Grounds

Any individual who disrupts or threatens to disrupt school office operations, threatens the health and safety of students or staff, willfully causes property damage, uses loud and/or offensive language that could provoke a violent reaction, or who has otherwise established a continued pattern of unauthorized entry on School District property, will be directed to leave school or School District property promptly by the school's principal or other administrative officer.

Directions to Staff in Dealing with Abusive Individual

If any member of the public uses obscenities or speaks in a demanding, loud, insulting, and/or demeaning manner, the administrator or employee to whom the remarks are directed will calmly and politely warn the speaker to communicate civilly. If the abusive individual does not stop the behavior, the District employee will verbally notify the abusing individual that the meeting, conference or telephone conversation is terminated; and, if the meeting or conference is on District premises, the employee shall direct the abusive individual to leave promptly. If the person refuses to leave, the local police will be called to respond and to escort the individual from the premises.

Provide Policy and Report Incident

When a staff member determines that a member of the public is in the process of violating the provisions of this policy, the staff member should provide a written copy of this policy at the time of occurrence. The staff member will then immediately notify his/her supervisor and provide a written report of the incident.

COMPLAINT PROCEDURES (FOR COMPLAINTS THAT DO NOT INVOLVE DISCRIMINATION AND/OR HARASSMENT) – 3231

The Board of Education is committed to sustaining a productive, supportive, healthy and harmonious environment throughout its programs and venues and to promptly address and resolve complaints and issues brought to its attention.

Toward those ends, the Superintendent will establish and maintain procedures for reporting, investigating, and resolving complaints, grievances, allegations, or other questions for which it has responsibility and over which the District has authority. This set of procedures will address issues that do not involve discrimination and/or harassment. Cases involving discrimination and/or harassment will be addressed through separate procedures. (See Policy #3430 and Regulation #3430R)

The procedures authorized through this policy will provide for prompt, thorough, equitable, and objective investigation and resolution of issues. They will also establish levels of appeal for dissatisfied parties up to and including appeal to the Board of Education.

The Superintendent and/or designees will continuously monitor the procedures for effectiveness and efficiency and will make whatever adjustments will enhance their ability to meet their goals

SOLICITATION OF CHARITABLE DONATIONS – 3271

Students

Direct solicitation of charitable donations from District students on school property during regular school hours is prohibited. It is a violation of District policy to ask District students directly to contribute money or goods for the benefit of a charity during the hours in which they are compelled to be on school grounds.

However, this policy does not prevent the following types of fund raising activities:

- a. Fund raising activities which take place off school grounds, or outside of regular school hours during before-school or after-school extracurricular periods;
- b. Arms-length transactions, where the purchaser receives a consideration for his/her donation. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity;
- c. Indirect forms of charitable solicitation on school grounds that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money.

The Superintendent will ultimately decide which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents.

Personnel

Soliciting of funds from school personnel by persons or organizations representing public or private organizations is prohibited. The Superintendent has the authority to make exceptions to this policy in cases where such solicitation is considered to be in the District's best interest. The Board will be notified of these instances.

Distribution of information about worthwhile area charities may be made through the Office of the Superintendent of Schools as a service to District personnel.

New York State Constitution Article 8, § 1
Education Law § 414
8 NYCRR § 19.6

ADVERTISING IN THE SCHOOLS – 3272

Neither the facilities, the staff, nor the students of the School District shall be employed in any manner for advertising or otherwise promoting the interests of any commercial, political, or other non-school agency, individual or organization, except that:

- a) Schools may cooperate in furthering the work of any non-profit, community-wide, social service agency, provided that such cooperation does not restrict or impair the educational program of the schools or conflict with Section 19.6 of the Rules of the Board of Regents;
- b) The schools may use films or other educational materials bearing only simple mention of the producing firm;
- c) The Superintendent of Schools may, at his/her discretion, announce or authorize to be announced, any lecture or other community activity of particular educational merit;
- d) The schools may, upon approval of the Superintendent of Schools, cooperate with any agency in promoting activities in the general public interest that are non-partisan and noncontroversial, and that promote the education and other best interests of the District's learners.

Individual school and District-wide partnerships with private sector business, focusing on educational objectives, may be crafted by school officials. It is recognized that partnering with private business will result in a certain level of commercial presence in the schools. That presence may take the form of incidental advertising; but may not involve solicitation of students nor employees. In each case, such partnerships must be approved by the Superintendent of Schools. Concerns regarding commercialism in the schools are to be directed to the

Superintendent of Schools. The Board of Education must be notified of all working relationships with businesses.

No materials of a commercial nature shall be distributed through the children in attendance in the Kenmore-Town of Tonawanda Union Free Schools except as authorized by law or the Commissioner's Regulations.

USE OF SCHOOL FACILITIES, MATERIALS AND EQUIPMENT – 3280

It shall be the policy of the Board to encourage the greatest possible use of school facilities, in accordance with the law, for community-wide activities; provided such facilities are not scheduled for use by students, as part of the District's program of continuing education, or programs associated with parents, teachers or students of the District.

Individuals or groups wishing to use the school facilities or school owned facilities and equipment must complete and receive approval using the applicable request form (#3280F.1 or #3280F.2). Such use is conditioned upon the individual(s) and/or organization abiding by the regulations and rules established for such use (#3280R). All visitors must comply with the District's Code of Conduct. The Superintendent, at his/her discretion, may consult with the Board of Education and monthly reports may be made to the Board regarding community use of the school facilities.

District sponsored groups and Parent Teacher Groups will be allowed to use District facilities without charge. All other groups will be invoiced for costs incurred by the District in connection with the use of the facilities by the group (for instance heat, electricity, custodian/maintenance costs) in accordance with the Board adopted fee schedule (#3280F.3). The fee schedule will be reviewed on an annual basis and adopted at the District's Annual Organizational Meeting.

The Kenmore-Town of Tonawanda Union Free School District may not aid or perpetuate discrimination on the basis of race, creed, color, county of natural origin, religion, sex, sexual orientation, age, marital status or disability in accordance with law, and/or regulation. Community groups and organizations should review their use of school facilities request for conformity. The District reserves the right to require evidence of compliance with civil rights law. However, in accordance with law, the District will not discriminate in its community use of school facilities against any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code. Nor will the District deny such access or opportunity for reasons based on the membership or leadership criteria or oath of allegiance to God and country. However, such use must be in accordance with the District's community use of school facilities policy and regulations.

Materials and Equipment

Except when issued in connection with or when rented under provisions of Education Law Section 414, school-owned materials and equipment may be used by members of the community or by District employees and/or students for school related purposes only. Private and/or personal use of school-owned materials and equipment is strictly prohibited.

The Board will permit school materials and equipment to be loaned to staff members when such use is directly or peripherally related to their employment and loaned to students when the material and equipment is to be used in connection with their studies or extracurricular activities. Community members will be allowed to use school-owned materials and equipment only for educational purposes that relate to school operations.

Specific Requirements Relating to Boy Scouts and Other Title 36 Patriot Youth Groups

The District will not discriminate against the Boy Scouts of America or any other youth group designated in Title 36 as a patriotic society. Access to facilities and/or materials will be provided to such groups on terms that are no less favorable than the most favorable terms provided to other outside youth or community groups.

Education Law § 414
NY Constitution Article 8

EMPLOYEE USE OF DISTRICT-OWNED VEHICLES – 3281

All District vehicles are the legal property of the Kenmore-Town of Tonawanda Union Free School District, are to be marked with the District name or logo, and are to be operated in a safe and lawful manner.

The following rules apply to all use of school vehicles:

- a. Employees are to use District vehicles in a safe, lawful-and courteous manner.
- b. District vehicles are to be operated only by District employees.
- c. All operators of District vehicles must have a current and valid New York State license for the class of vehicle operated.
- d. School vehicles are intended for the benefit of the school and should not be used for personal use.
- e. Employees will report any vehicle problems to their supervisor and abide by any maintenance schedules.
- f. Reckless use or deliberate abuse of District vehicles is prohibited and will subject the operator to disciplinary action.
- g. Vehicles are to be parked or stored in safe and secure locations, based on the following conditions:
 1. The location is not a public street or thoroughfare;

2. It is legal to park in such location;
3. Parking the vehicle in such place does not create the perception of impropriety by a District employee.
- h. All accidents are to be promptly reported to both the law enforcement agency where the accident takes place and to the Assistant Superintendent for Finance.
- i. Any traffic violation while using a District-owned vehicle is the sole responsibility of the person incurring such violation. However, all such violations must be promptly reported to the Assistant Superintendent for Finance.

CODE OF CONDUCT ON SCHOOL PROPERTY – 3410

The District will maintain a written *Code of Conduct* for the maintenance of order on school property and at school functions. The *Code* will govern the conduct of students, teachers and other school personnel, as well as visitors. The District will further provide for the enforcement of its *Code of Conduct*.

The *Code of Conduct* will be reviewed on an annual basis and amended as necessary in accordance with law. The Board will reapprove any updated *Code* or adopt revisions only after at least one public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The District will communicate the terms of the *Code* broadly throughout the school community. The District will provide all teachers with a copy of the *Code* at the beginning of the school year or upon employment. The District will also provide a summary of the *Code* to all students and parents at the beginning of each school year. The full *Code* will be available for review by students, parents, other staff and community members at any time.

The District will post the complete *Code of Conduct* (including all amendments and annual updates of the *Code*) on the District's website. A link to the District's posting will be provided to the Commissioner of Education as requested through the Uniform Violent Incident Reporting System (VADIR).

Education Law §§2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law § 142
8 NYCRR

PROHIBITION OF A WEAPON UPON SCHOOL GROUNDS – 3411

With the exception of law enforcement officers, as permitted by law, and individuals who have the express written permission of the Board of Education or its designee, no person may have in his/her possession any weapon on school grounds, in any District building, on a school bus or

District vehicle, or at any school-sponsored activity or setting under the control and supervision of the District. This prohibition shall include, but not be limited to: any of the objects or instruments referred to in Section 265.01 of the New York State Penal Law; any air-gun, spring-gun or other instrument or weapon in which the propelling force is a spring, air, piston or CO2 cartridge; and any object that could be considered a reasonable facsimile of a weapon.

NON-DISCRIMINATION AND ANTI-HARASSMENT IN THE DISTRICT– 3420

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses complaints of discrimination and/or harassment made under applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's Code of Conduct. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

In accordance with applicable federal and state laws and regulations, the District does not discriminate on the basis of any legally protected class or category in its education programs and activities or when making employment decisions. Further, the District prohibits discrimination and harassment on school property and at school functions on the basis of any legally protected class including, but not limited to:

- a. Race;
- b. Color;
- c. Religion;
- d. Disability;
- e. National origin;
- f. Sexual orientation;
- g. Gender identity or expression;
- h. Military status;
- i. Sex;
- j. Age; and
- k. Marital status.

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

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

Scope and Application

This policy outlines the District's general approach to addressing complaints of discrimination and/or harassment. This policy applies to the dealings between or among the following parties on school property and at school functions:

- a. Students;
- b. Employees;
- c. Applicants for employment;
- d. Paid or unpaid interns;
- e. Anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace;
- f. Volunteers; and
- g. Visitors or other third parties.

Further, discrimination and/or harassment that occurs off school property and somewhere other than a school function can disrupt the District's educational and work environment. This conduct can occur in-person or through phone calls, texts, emails, or social media. Accordingly, conduct or incidents of discrimination and/or harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's Code of Conduct may address misconduct related to discrimination and/or harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved, where the alleged discrimination and/or harassment occurred, and the basis of the alleged discrimination and/or harassment. These documents must be read in conjunction with this policy.

The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

Definitions

For purposes of this policy, the following definitions apply:

- a. "School property" means in or within any building, structure, athletic playing field, playground, parking lot, or land contained within the real property boundary line of any District elementary or secondary school, or in or on a school bus or District vehicle.
- b. "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

What Constitutes Discrimination and Harassment

Determinations as to whether conduct or an incident constitutes discrimination and/or harassment will be made consistent with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, or other document such as the District's Code of Conduct. These determinations may depend upon a number of factors, including, but not limited to: the particular conduct or incident at issue; the ages of the parties involved; the context in which the conduct or incident took place; the relationship of the parties to one another; the relationship of the parties to the District; and the protected class or characteristic that is alleged to have been the basis for the conduct or incident. The examples below are intended to serve as a general guide

for individuals in determining what may constitute discrimination and/or harassment. These examples should not be construed to add or limit the rights that individuals and entities possess as a matter of law.

Generally stated, discrimination consists of the differential treatment of a person or group of people on the basis of their membership in a legally protected class. Discriminatory actions may include, but are not limited to: refusing to promote or hire an individual on the basis of his or her membership in a protected class; denying an individual access to facilities or educational benefits on the basis of his or her membership in a protected class; or impermissibly instituting policies or practices that disproportionately and adversely impact members of a protected class.

Generally stated, harassment consists of subjecting an individual, on the basis of his or her membership in a legally protected class, to unwelcome verbal, written, or physical conduct which may include, but is not limited to: derogatory remarks, signs, jokes, or pranks; demeaning comments or behavior; slurs; mimicking; name calling; graffiti; innuendo; gestures; physical contact; stalking; threatening; bullying; extorting; or the display or circulation of written materials or pictures.

This conduct may, among other things, have the purpose or effect of: subjecting the individual to inferior terms, conditions, or privileges of employment; creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with an individual's work or a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting an individual's employment or educational opportunities. Petty slights or trivial inconveniences generally do not constitute harassing conduct.

Civil Rights Compliance Officer

The District has designated the following District employee(s) to serve as its CRCO(s):

Jeffery Richards, Assistant Superintendent for Human Resources, 1500 Colvin Blvd., Buffalo, NY 14223, 716-874-8400, ext. 20351, jrichards@ktufsd.org

Kelly White, Assistant Superintendent for Instruction & Student Services, 1500 Colvin Blvd., Buffalo, NY 14223, 716-874-8400, ext. 20333, kwhite@ktufsd.org

The CRCO(s) will coordinate the District's efforts to comply with its responsibilities under applicable non-discrimination and anti-harassment laws and regulations including, but not limited to: the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, and the Age Discrimination Act of 1975.

Where appropriate, the CRCO(s) may seek the assistance of other District employees, such as the District's Title IX Coordinator(s) or Dignity Act Coordinator(s) (DAC(s)), or third parties in investigating, responding to, and remedying complaints of discrimination and/or harassment.

Reporting Allegations of Discrimination and/or Harassment

Any person may report discrimination and/or harassment regardless of whether they are the alleged victim or not. Reports may be made in person, by using the contact information for the CRCO, or by any other means that results in the CRCO receiving the person's oral or written report. This report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the CRCO.

Reports of discrimination and/or harassment may also be made to any other District employee including a supervisor or building principal. All reports of discrimination and/or harassment will be immediately forwarded to the CRCO. Reports may also be forwarded to other District employees depending on the allegations.

All District employees who witness or receive an oral or written report of discrimination and/or harassment must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination.

In addition to complying with this policy, District employees must comply with any other applicable District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's Code of Conduct. Applicable documents include, but are not limited to, the District's policies, regulations, and procedures related to Title IX, sexual harassment in the workplace, and the Dignity for All Students Act (DASA).

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

Grievance Process for Complaints of Discrimination and/or Harassment

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and/or harassment based on any legally protected class and will promptly take appropriate action to protect individuals from further discrimination and/or harassment. The CRCO will oversee the District's investigation of all complaints of discrimination and/or harassment. In the event an anonymous complaint is filed, the District will respond to the extent possible.

If an investigation reveals that discrimination and/or harassment based on a legally protected class has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable federal and state laws and regulations, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's Code of Conduct.

Knowingly Makes False Accusations

Any employee or student who knowingly makes false accusations against another individual as to allegations of discrimination and/or harassment will face appropriate disciplinary action.

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

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

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

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

Confidentiality

To the extent possible, all complaints will be treated as confidential. Disclosure may be necessary in certain circumstances such as to complete a thorough investigation and/or notify law enforcement officials. All disclosures will be in accordance with law and regulation.

Training

In order to promote familiarity with issues pertaining to discrimination and harassment in the District, and to help reduce incidents of prohibited conduct, the District will provide appropriate information and/or training to employees and students. As may be necessary, special training will be provided for individuals involved in the handling of discrimination and/or harassment complaints.

Notification

Prior to the beginning of each school year, the District will issue an appropriate public announcement or publication which advises students, parents or legal guardians, employees, and other relevant individuals of the District's established grievance process for resolving complaints of discrimination and/or harassment. This announcement or publication will include the name, office address, telephone number, and email address of the CRCO(s). The District's website will reflect current and complete contact information for the CRCO(s).

A copy of this policy and its corresponding regulations and/or procedures will be available upon request and will be posted and/or published in appropriate locations and/or District publications.

Additional Provisions

Regulations and/or procedures will be developed for reporting, investigating, and remediating allegations of discrimination and/or harassment.

8 USC § 1324b

29 USC § 206

42 USC § 1981

Age Discrimination Act of 1975, 42 USC § 6101 et seq.

Age Discrimination in Employment Act of 1967 (ADEA), 29 USC § 621 et seq.

Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.

Equal Educational Opportunities Act of 1974, 20 USC § 1701 et seq.

Genetic Information Non-Discrimination Act (GINA), 42 USC § 2000ff et seq.

National Labor Relations Act (NLRA), 29 USC § 151 et seq.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 790 et seq.

Title IV of the Civil Rights Act of 1964, 42 USC § 2000c et seq.

Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.

Title IX of the Education Amendments Act of 1972, 20 USC § 1681 et seq.

USERRA, 38 USC § 4301 et seq.

28 CFR Part 35

29 CFR Chapter I – National Labor Relations Board

29 CFR Chapter XIV – Equal Employment Opportunity Commission

34 CFR Parts 100, 104, 106, 110, and 270

45 CFR Part 86

Civil Rights Law §§ 40, 40-a, 40-c, 47-a, 47-b, and 48-a

Civil Service Law § 75-b and 115

Correction Law § 752

Education Law §§ 10-18, 313, 313-a, 2801, 3201, and 3201-a

Labor Law §§ 194-a, 201-d, 201-g, 203-e, 206-c, and 215

New York State Human Rights Law, Executive Law § 290 et seq.

Military Law §§ 242, 243, and 318

8 NYCRR § 100.2

9 NYCRR § 466 et seq.

NOTE: Refer also to Policies #6120 -- Equal Employment Opportunity

#6121 -- Sexual Harassment in the Workplace

#6122 -- Complaints and Grievances by Employees

#7550 -- Dignity for All Students

#7551 -- Sexual Harassment of Students

#8130 -- Equal Educational Opportunities

#8220 -- Career and Technical (Occupational) Education

District Code of Conduct

**TITLE IX POLICY AGAINST SEXUAL HARASSMENT
AND SEX DISCRIMINATION - 3421**

I. TITLE IX NOTICE OF NON-DISCRIMINATION

In compliance with Title IX of the Education Amendments of 1972, the **Kenmore Town of Tonawanda Union Free School District** ("the District") does not discriminate on the basis of sex in the educational programs or activities it operates, including employment and admissions, and it is required by Title IX and its attendant regulations not to discriminate in such a manner. All forms of sex-based discrimination, including sexual harassment, are strictly prohibited by the District. Inquiries regarding Title IX may be referred to the Title IX Coordinator(s) or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

II. TITLE IX SEXUAL HARASSMENT POLICY

While all forms of sex-based discrimination are prohibited in the District, the primary purpose of this policy is to address sexual harassment as defined in Title IX and its attendant regulations that occurs within an education program or activity of the District, and to provide a grievance process for investigating and reaching a final determination regarding responsibility for a formal complaint of sexual harassment. The Title IX Grievance Process ("Grievance Process") is set forth below in **Section IV**. While the District must and will respond to all reports it receives of sex discrimination or sexual harassment, the Grievance Process herein is initiated only with the filing of a formal complaint which alleges sexual harassment in violation of Title IX. Please refer to the definitions below in Section II.A for an explanation of what constitutes a formal complaint of sexual harassment.

The Superintendent shall have overall responsibility for implementing this Policy, and shall annually appoint at least one Title IX Coordinator. as that position is described in Section II.B below. Below please find contact information for the District's Title IX Coordinator(s):

Title IX Coordinator(s)

- **Jeffery Richards, Assistant Superintendent for Human Resources**
 - **1500 Colvin Boulevard, Buffalo, NY 14223; (716) 874-8400, extension 20414; jrichards@ktufsd.org**

- **Kelly White, Assistant Superintendent for Curriculum, Leadership and Instruction**
 - **1500 Colvin Boulevard, Buffalo, NY 14223; (716) 874-8400, extension 20333; kwhite@ktufsd.org**

A. Definitions

"Actual knowledge" -- notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or to any District official with authority to institute corrective measures on behalf of the District, or to any District employee (other than a "Respondent" or alleged harasser).

"Complainant" -- an individual who is alleged to be the victim of conduct that could constitute sexual harassment, whether or not that person files a report or formal complaint.

"Days" -- all references to "days" shall mean calendar days unless otherwise specified. If a deadline falls on a weekend or holiday, the deadline shall be extended to the next regular business day.

"Decision-Maker" -- the person tasked with the responsibility of making determinations regarding responsibility. The Superintendent of Schools shall be responsible for designating the Decision-Maker on a case-by-case basis, in consultation with the Title IX Coordinator. Neither the investigator nor the Title IX Coordinator may serve as the Decision-Maker.

"Determination regarding responsibility" -- the formal finding by the Decision-Maker on each allegation of sexual harassment contained in a formal Complaint that the Respondent did or did not engage in conduct constituting sexual harassment under Title IX.

"Education program(s) or activity(ies)" -- refers to locations, events or circumstances over which the District exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

"Formal Complaint" -- a document filed by a Complainant, the Complainant's parent/guardian, or the Title IX Coordinator, alleging sexual harassment against a Respondent, and requesting that the District investigate the allegation of sexual harassment. The phrase "document filed by a Complainant" includes the complaint form included below or a document or electronic submission that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

"Respondent" -- an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

"Sexual Harassment" -- conduct on the basis of sex (including, without limitation, gender, sexual orientation and/or gender identity) that occurs in the District's education programs or activities that satisfies one or more of the following:

1. An employee of the District conditioning the provision of an aid, benefit, or service of an education program or activity on an individual's participation or refusal to participate in

sexual conduct irrespective of whether the conduct is welcomed by the student or other employee (i.e., quid pro quo sexual harassment);

2. Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive **and** objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
3. Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law (see e.g., 20 USC Section 1092(f)(6)(A)(v); 34 USC Section 12291(a)(10); 34 USC Section 12291(a)(8); 34 USC Section 12291(a)(30)).

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex. The context of behavior can make a difference between conduct falling within the technical definition of sexual harassment under Title IX, and conduct of a sexual nature that is offensive or hostile in itself but which does not rise to the level defined above. District policies prohibit both, but for purposes of its Title IX obligations, the District must address reports or complaints of conduct which may constitute sexual harassment as defined above in accordance with this Policy and the grievance procedures set forth herein. Unless otherwise specified, all references to "sexual harassment" in this Policy refer to sexual harassment as defined above. Please note, however, that conduct that otherwise satisfies that definition does not fall within the scope of this particular Policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the District did not have substantial control over both the harasser/Respondent and the context in which the harassment occurred.

"Supportive Measures" -- non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Examples may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, leaves of absence, mutual restrictions on contact between the parties, and other similar measures.

"Title IX" of the Educational Amendments of 1972 -- 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 program or activity receiving federal financial assistance. Sex discrimination under Title IX includes sexual harassment and sexual violence.

B. Title IX Coordinator

The Title IX Coordinator shall be responsible for coordinating the District's efforts to comply with its responsibilities under Title IX. In this regard, the Title IX Coordinator shall receive general reports and formal complaints reports of sexual harassment (as well

as other forms of sex discrimination), and shall coordinate the District's responses to such reports or complaints so that the same are prompt and equitable. In addition to any other specific responsibilities assigned under this Policy, or as assigned by the Superintendent, the Title IX Coordinator will be responsible for:

1. Identification and implementation of supportive measures;
2. Signing or receiving formal complaints of sexual harassment;
3. Coordinating with District and school-level personnel to facilitate and assure implementation of investigations, and remedies, and helping to assure that the District otherwise meets its obligations associated with reports and formal complaints of sexual harassment;
4. Coordinating with the Superintendent with respect to assignment of persons to fulfill the District's obligations, both general and case specific, relative to this Policy (e.g., investigator, Decision-Maker, etc., which may involve the retention of outside counsel or other third-party personnel);
5. Coordinating with District and school-level personnel to assure appropriate training and professional development of employees and others in accordance with Section II.C of this Policy; and
6. Helping to ensure that appropriate records are kept and maintained in connection with this Policy.

In cases where the Title IX Coordinator is unavailable, including unavailability due to a conflict of interest or other disqualifying reason, the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case. In such instances, "Title IX Coordinator" shall include the acting Title IX Coordinator.

C. Training

All District employees shall receive training relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.

Title IX Coordinators, investigators, Decision-Makers, any individuals who decide appeals or who facilitate an informal resolution process, must receive training on:

1. The definition of sexual harassment;
2. The scope of the District's education program or activity;
3. How to conduct an investigation and the Grievance Process, including appeals and the informal resolution process, as applicable; and

4. How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-Makers, including individuals who decide appeals, must also receive training on issues of relevance of questions and evidence, including when questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Also, investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, Decision-Makers, individuals who decide appeals and individuals who facilitate an informal resolution process must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment. The training materials for the individuals identified in this paragraph shall be made publicly available on the District's website.

D. Confidentiality

The District will respect the confidentiality of a Complainant and Respondent as much as possible, however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of sexual harassment and take appropriate action in response thereto. Examples of required disclosures include:

1. Information to either party to the extent necessary to provide the parties due process during the Grievance Process;
2. Information to individuals who are responsible for handling the District's investigation and determination regarding responsibility to the extent necessary to complete the District's Grievance Process;
3. Mandatory reports of child abuse or neglect; and
4. Information to the Complainant's and the Respondent's parent/guardian as required by this Policy and/or the Family Educational Rights and Privacy Act ("FERPA").

Additionally, any supportive measures offered to the Complainant or the Respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

Except as specified above, the District shall keep confidential to the extent permitted by law the identity of (1) any individual who has made a report or complaint of sex discrimination or sexual harassment; (2) any Complainant or Respondent; (3) any individual who has been reported to be the perpetrator of sex discrimination; and (4) any witness.

E. Retaliation Prohibited

Retaliation against any person who makes a report or complaint, or against any person who assists, participates, or refuses to participate in any investigation of an act alleged in this Policy is strictly prohibited. The District further prohibits any other intimidation, threats, coercion or discrimination against anyone for the purpose of interfering with any right or privilege secured by Title IX. Charging an individual with Code of Conduct violations that arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, also constitutes retaliation and is strictly prohibited.

However, charging an individual with a violation of the Code of Conduct or other applicable policy or rule for making a materially false statement in bad faith, or for submitting materially false information in bad faith, in the course of a grievance proceeding does not constitute retaliation. Please note that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

Complaints of retaliation in connection with this Policy will be handled in accordance with District Policies 3420, 6180, 6121, and 3430. Individuals who are found to have engaged in retaliation may be subject to disciplinary action.

F. Conflict of Interest

No person designated as a Title IX Coordinator, investigator, Decision-Maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against Complainants or Respondents generally, or against an individual Complainant or Respondent.

G. Dissemination and Notice

The District shall publish on its website this Policy, and shall prominently display on its website the contact information for the Title IX Coordinator(s) and the Title IX Notice of Non-Discrimination (see Section I, above). The District shall also publish that information in any student or employee handbooks that it may produce. The District shall take any other steps that may be necessary in order to notify students, parents or legal guardians of students, employees, applicants for admission or employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District of this Policy, the Title IX Coordinator's contact information and the District's notice of non-discrimination.

H. Records and Record Keeping

The District will maintain the following for a period of seven years:

1. Records of each sexual harassment investigation, including any:
 - a. Determination regarding responsibility, including dismissal;
 - b. Disciplinary sanctions imposed on the Respondent; and
 - c. Remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity.
2. Any appeal and its result;
3. Any informal resolution and its result; and
4. All materials used to train the Title IX Coordinator(s), investigations, Decision-Maker(s), and any person who facilitates an informal resolution process.

In addition, when the District obtains actual knowledge of sexual harassment as defined herein, the District shall create and maintain for a period of seven years the following:

1. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, as well as documentation:
 - a. Explaining why the District's response was not deliberately indifferent; and
 - b. That it took measures designed to restore or preserve equal access to the District's education program or activity;
2. In the event that no supportive measures were provided to the Complainant, documentation of the reason(s) why such a response was not clearly unreasonable in light of the known circumstances.

Please note that documentation of certain reasons or measures taken shall not limit or preclude the District in the future from providing additional explanations or detailing additional measures taken.

III. COMPLAINTS OF SEX DISCRIMINATION OTHER THAN SEXUAL HARASSMENT

Any individual seeking to report allegations of sex discrimination other than sexual harassment is encouraged to file a formal complaint form with the Title IX Coordinator, or contact the Title IX Coordinator. A copy of the formal complaint form is included below. For discriminatory or harassing conduct which does not meet the definition of sexual harassment under this Policy, the District's response will be governed by other applicable laws and policies, such as Board Policies 3420, 3430, and 6121. All reports or complaints of sex discrimination, including sexual harassment, are encouraged to be submitted to the Title IX Coordinator, who will determine the applicable process through which the allegations will be handled.

IV. REPORTS OF SEXUAL HARASSMENT, FORMAL COMPLAINTS AND DISTRICT RESPONSES

Please note that a report does not initiate the Grievance Process. That process is begun only upon the filing of a formal complaint, as explained further below.

Any person may report sexual harassment whether relating to her or himself or another person. **However, if any District employee – other than the employee harasser, or the Title IX Coordinator – reasonably believes a student has been discriminated against based on sex or who receives information of conduct which may constitute sexual harassment under this Policy, he or she shall immediately inform the Title IX Coordinator** of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.

A report of sexual harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Additionally, while the District encourages reports of sexual harassment to be made directly to the Title IX Coordinator, the report may be made to any District staff member, including, for instance, a guidance counselor, teacher or principal.

If a Title IX Coordinator is the alleged Respondent, the report or formal complaint may be made to a different Title IX Coordinator if the District has designated more than one Title IX Coordinator, or directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that report/complaint, or delegate the function to another person.

A. District Response to Report of Sexual Harassment

The District will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. The District shall treat Complainants and Respondents equitably by offering supportive measures to the Complainant and by following the Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

As soon as reasonably possible after receiving a report of alleged sexual harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the Complainant to:

1. Discuss the availability of and offer supportive measures, as well as inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint;
2. Consider the Complainant's wishes with respect to supportive measures; and
3. Explain to the Complainant the process for filing a formal complaint.

B. Formal Complaints and Disciplinary Action

Pursuant to federal regulations and this Policy, a formal complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a person accused of sexual harassment. Once a formal complaint of sexual harassment is received by the Title IX Coordinator, he or she shall commence the Grievance Process set forth above in Section IV. The process for filing a formal complaint is explained above in Section IV.A. If a formal complaint is filed, no disciplinary action may be imposed against a Respondent for conduct which may constitute sexual harassment until the Grievance Process has been completed. If no formal complaint is filed, no disciplinary action may be imposed against a Respondent based upon conduct that would constitute sexual harassment under this Policy.

C. Emergency Removal and Administrative Leave

At any point after receiving a report or formal complaint of sexual harassment, the Title IX Coordinator (or other District official charged with a specific function under this Policy or applicable regulations, such as the investigator or Decision-Maker, for example) may request the Superintendent to direct that an individualized safety and risk analysis be performed to determine whether a Respondent student is an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment. In the event that the safety and risk analysis determines that the Respondent student does present such a threat and removal is therefore justified, the District may remove the Respondent student on an emergency basis, provided that such removal is in full compliance with the IDEA, a student's individualized education program (IEP) and/or 504 plan if applicable. Such emergency removal shall not be disciplinary. However, the District must provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal, and shall continue to offer educational programming until a final determination is made pursuant to the Grievance Process.

The Title IX Coordinator shall keep the Superintendent of Schools informed of any employee Respondents so that he or she can make any necessary reports to the New York State Education Department. In appropriate cases, the Superintendent may place an employee Respondent on non-disciplinary administrative leave until a final determination on responsibility is made pursuant to the Grievance Process.

V. GRIEVANCE PROCESS

PURPOSE: The purpose of these procedures is to secure prompt and equitable resolutions of formal complaints of sexual harassment, and to treat both Complainants and Respondents equitably in the process. **These procedures apply only to formal complaints alleging sexual harassment prohibited by Title IX.** Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to the Grievance Process. These procedures shall be followed prior to the imposition of any disciplinary sanctions or other

actions that are not supportive measures against the Respondent unless otherwise noted herein.

A. Process for Filing a Formal Complaint of Sexual Harassment

The Title IX Grievance Process is initiated by way of a formal complaint filed by the Complainant, the Complainant's parent/guardian, or the Title IX Coordinator. A formal complaint should be filed with the Title IX Coordinator. The Complainant may file a formal complaint or choose not to file a formal complaint and simply receive the supportive measures. If the Complainant does not file a formal complaint, the Title IX Coordinator may sign a formal complaint, but only if initiating the Grievance Process against the Respondent is not clearly unreasonable in light of the known circumstances, or in other cases where, in the exercise of good judgment, the Title IX Coordinator determines that a Grievance Process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. If the formal complaint is filed by the Title IX Coordinator, he or she is not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to Respondents and Complainants.

Although there is no time limit per se to filing a formal complaint, **a Complainant must be participating in or attempting to participate in the education program or activity of the District at the time of filing.** Delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations.

At a minimum, a formal complaint must:

1. Contain the name and address of the Complainant;
2. Describe the alleged sexual harassment;
3. Request an investigation of the matter; and
4. Be signed by the Complainant or otherwise indicate that the Complainant is the person filing the formal complaint.

The formal complaint may be filed with the Title IX coordinator in person, by mail, or by email. A complaint form is included below and may be obtained from the Title IX Coordinator or on the District's website. A written narrative may be attached to the complaint form explaining the nature of the formal complaint. The complaint form or narrative should contain information that describes the conduct and identifies with reasonable particularity the Complainant(s), the Respondent(s), and any witness(es) to the alleged conduct.

B. Initial Steps and Notice of Formal Complaint

Following receipt of a formal complaint:

1. The Title IX Coordinator will provide notice to the Complainant and to the Respondent (if known), as well as to any other known parties, of the following:
 - a. This Grievance Process, including any informal resolution process;
 - b. The allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. "Sufficient details" shall include to the extent known identities of persons involved, the conduct allegedly constituting sexual harassment, and the date and location of the incident(s);
 - c. A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the Grievance Process;
 - d. That each party has the right to have an advisor of his or her choice who may be, but is not required to be, an attorney;
 - e. That each party is entitled to inspect and review evidence; and
 - f. Any provisions in the District's Code of Conduct or other applicable District policies, rules or collective bargaining agreements that prohibit knowingly making false statements or knowingly submitting false information in the course of the grievance procedures.
2. The Title IX Coordinator will contact the Complainant to discuss and offer supportive measures as appropriate.
3. The Title IX Coordinator may contact the Respondent to discuss, and/or impose, non-disciplinary supportive measures.
4. The Title IX Coordinator will examine the allegations in the formal complaint to determine whether the allegations, if assumed to be true, are sufficient to sustain a finding of sexual harassment under this Policy.
 - a. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the Complainant to discuss the allegations in the formal complaint and whether amendment is appropriate. In the event that amendment is appropriate, the Title IX Coordinator shall immediately provide notice of the additional allegations to the parties whose identities are known.
 - b. If the allegations set forth in the formal complaint are insufficient to sustain a finding of sexual harassment under this Policy, the complaint shall be dismissed. Please refer to Section IV.H, above, for additional details regarding dismissal, including additional grounds on which a formal complaint must/may be dismissed.

5. If the formal complaint is not dismissed, then the Title IX Coordinator will consult with the Superintendent with regard to designating an appropriate investigator and Decision-Maker, both of whom must be properly training and otherwise qualified.

C. Miscellaneous Provisions

1. Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Grievance Process, the manner of transmittal may be by hand delivery, electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof. However, hand delivery to the District will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, Decision-Maker(s), etc.).
2. Legal Privileges. Nothing in the Grievance Process shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g., medical records, attorney-client privileged information, etc.), unless the person or entity holding such privilege has waived the privilege.
3. Additional Allegations. If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that were not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.
4. Consolidation of Complaints. The District may consolidate formal complaints where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one Respondent; or by more than one Complainant against one or more Respondents; or by one party against the other party. When the District has consolidated formal complaints so that the Grievance Process involves more than one Complainant or more than one Respondent, references to the singular "party", "Complainant", or "Respondent" include the plural, as applicable.

D. Timeframe of Grievance Process

The District shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the Grievance Process will be concluded through at least the determination regarding responsibility within 90 days after filing the formal complaint. In more complex cases, where a determination regarding responsibility cannot reasonably be made within that time frame, additional time may be required in order to complete a fair and thorough investigation, or to complete other aspects of the Grievance Process.

Delays and Extensions of Time. At any stage of the Grievance Process, the District may for good cause allow for temporary delays or extensions of time upon request of either party, or on its own initiative. Examples of good cause may include such things as

availability of parties or witnesses; school or school administrative office holidays or vacations; school recess periods; referral back to an earlier stage of the grievance process; concurrent law enforcement or other agency activity; or need to obtain interpreters or accommodation of disabilities. For any such delay or extension of time, the Title IX Coordinator, Superintendent or any other individual appointed to play a role in the Grievance Process will provide written notice to the parties of the delay/extension and the reason(s).

E. Investigation

The Title IX Coordinator will coordinate the investigation in accordance with his or her duties as Title IX Coordinator. The investigator designated by the District shall conduct the investigation. The investigator may but is not required to be a District employee so long as the investigator is appropriately trained and does not have a conflict of interest or other bias prohibited by this Policy. The investigation shall include the following:

1. An objective evaluation of all relevant evidence*, including inculpatory and exculpatory evidence, and shall not make credibility determinations based on a person's status as a Complainant, Respondent or witness;

*Evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant unless such evidence about Complainant's prior sexual behavior is offered to prove that someone other than Respondent committed the conduct alleged by Complainant, or if the evidence concerns specific incidents of Complainant's prior sexual behavior with respect to the Respondent and is offered to prove consent.

2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
3. Provide an equal opportunity for the parties to present witnesses and other inculpatory and exculpatory evidence, and not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;
4. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied by an advisor of their choice. However, the District, including the investigator, may establish restrictions regarding the extent to which an advisor may participate in the proceedings as long as the restrictions apply equally to both parties;
5. Provide, to a party (e.g., Respondent or Complainant, and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate;
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, regardless of whether the evidence may or may not be relied upon in reaching a

determination regarding responsibility;

7. Prior to completion of the investigative report, the District, through the Title IX Coordinator, must send to each party as well as each party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have ten days from transmission of same to submit a written response, which the investigator will consider prior to completion of the investigative report;
8. The investigator must prepare a written investigative report that:
 - a. Fairly summarizes relevant evidence;
 - b. Identifies allegations potentially constituting sexual harassment;
 - c. Describes the procedural steps taken from receipt of the formal complaint through the preparation of the investigative report, including notifications to the parties, interviews with parties and witnesses, site visits and any methods used to gather other evidence; and
 - d. Addresses any witness credibility issues, if applicable.
9. The completed investigative report shall be provided in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any, and to the Decision-Maker. The Title IX Coordinator shall ensure that the report is provided to the appropriate individuals. In transmitting the report to the parties and their advisors, if any, the parties shall be notified in writing that they have ten days from the date on which the report is transmitted to:
 - a. Submit a written response to the report, if they desire;
 - b. Submit written, relevant* questions that the party wants asked of any party or witness, if they desire; and

*Questions or evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions or evidence about Complainant's prior sexual behavior are offered to prove that someone other than Respondent committed the conduct alleged by Complainant, or if the question or evidence concern specific incidents of Complainant's prior sexual behavior with respect to Respondent and are offered to prove consent.

 - c. That any such written response or relevant questions must be sent directly to the Decision-Maker, along with the Decision-Maker's contact information.

F. Determination Regarding Responsibility and Decision-Maker

The determination regarding responsibility of Respondent shall be made by the Decision-Maker. In addition to allowing the parties an opportunity to submit a written response to the investigation report as well as relevant questions, per the above, the Decision-Maker shall adhere to the following in rendering a determination regarding responsibility:

1. In event the Decision-Maker decides to exclude a question posed by a party as not relevant, the Decision-Maker must explain that decision to the party.
2. The Decision-Maker will provide the relevant questions to the party/witness, with copies to each party, and shall provide at least five days for written responses, which responses shall be provided to each party.
3. After the parties have received responses to their initial questions, the Decision-Maker will provide five days for additional, limited follow-up questions and five days for written responses to same. The Decision-Maker may but is not required to provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
4. The Decision-Maker may not make any credibility determinations based on the person's status as a Complainant, Respondent or witness. The Respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
5. In rendering his or her determination regarding responsibility, the Decision-Maker shall apply a preponderance of evidence standard, which requires evidence establishing that it is more likely than not that Respondent engaged in sexual harassment in violation of this Policy.
6. The Decision-Maker shall issue a written determination regarding responsibility within 15 business days after the close of the period for responses to the last round of follow-up questions. The written determination must include:
 - a. Identification of the allegations potentially constituting sexual harassment;
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination regarding responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits and methods used to gather evidence;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the District's Code of Conduct or other policies, rules or regulations to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the Respondent is

responsible for sexual harassment); any disciplinary sanctions or remedies that are imposed or that are recommended to be imposed; and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to Complainant; and

- f. The District's procedures and permissible bases for Complainant or Respondent to appeal (see Section IV.I, below).
7. The Decision Maker shall provide his or her determination regarding responsibility to the Title IX Coordinator, the Superintendent and the parties simultaneously.
8. The determination regarding responsibility shall become final on the date on which an appeal would no longer be considered timely, or if an appeal is timely filed, when the District provides the parties with the written determination of the result of the appeal.

G. Remedies Upon Final Determination Regarding Responsibility

1. Remedies must be designed to restore or preserve equal access to the District's education program or activity. Remedies may include supportive measures and/or disciplinary sanctions, as appropriate under the circumstances.
2. Disciplinary sanctions against an employee Respondent may include any sanction available for the discipline of employees, up to and including dismissal, in accordance with any applicable collective bargaining agreement as well as any applicable state or federal laws or regulations.
3. Disciplinary sanctions against a student may include any available discipline or sanction, up to and including expulsion, pursuant to the District's Code of Conduct and any other applicable policies or rules, and in accordance with any applicable state or federal laws or regulations.

H. Dismissal of a Formal Complaint

1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
 - a. Does not fall within the scope of this policy (e.g., the allegations do not constitute sexual harassment as defined herein), even if proved;
 - b. Did not occur in the District's education program or activity; or
 - c. Did not occur against a person in the United States.
2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination regarding responsibility stage(s):

- a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
 - b. The Respondent is no longer enrolled or employed by the District; or
 - c. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations therein.
3. Prior to dismissal of a formal complaint, the person responsible at that stage shall consult with the Superintendent.
 4. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.
 5. NOTE: The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other applicable policies, rules or Code of Conduct of the District. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.

I. Appeals Process

1. Complainant(s) or Respondent(s) may appeal from a determination regarding responsibility, or from a dismissal of a formal complaint or any allegations therein, on the following bases only:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
 - c. The Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
2. Appeals for any other reason, or upon any determination regarding responsibility not included in the written appeal, will not be heard.
3. An appeal must be filed within seven days from the date on which the determination regarding responsibility is transmitted to the parties. An appeal must be submitted in writing to the Title IX Coordinator, with a copy to the Superintendent of Schools, and shall state with particularity the basis(es) for the appeal as well as all information and evidence in support of the

basis(es) identified. Appellants should include with the appeal any documentary or electronic evidence in support of the appeal. Any supportive measures shall remain in place during the pendency of an appeal unless a change in circumstances warrant modifications to those measures.

4. Following receipt of the appeal, the Title IX Coordinator shall notify all parties in writing of the appeal, any deadlines associated with the appeal process, and the individual who will decide the appeal (i.e. the Superintendent or a member of the District's Administration who is not the Title IX Coordinator, investigator or Decision-Maker, who does not have a conflict of interest, and who underwent the training specified in this Policy). The non-appealing party(ies) shall also be provided a copy of the appeal and any information submitted in connection with the appeal.
5. Either party may submit a written statement in response to the appeal, whether in support of or challenging the outcome. Any such written statement must be received by the Title IX Coordinator, with a copy to the individual who will decide the appeal, within seven days from the date on which the appeal was transmitted to the non-appealing party(ies). Each party which submits a written statement shall simultaneously provide a copy to the other party(ies) and to the Title IX Coordinator.
6. The individual who will decide the appeal, in rendering a decision on the appeal, shall consider the record as well as any statements or information submitted by the parties in connection with the appeal.
7. The individual who will decide the appeal shall issue a written decision within ten business days after the deadline for either party to submit a written statement in response to the appeal. The written decision shall describe the result of the appeal and the rationale. The decision may deny or grant the appeal, in whole or in part, and may but is not required to refer an appealed issue back to a prior point in the Grievance Process, if appropriate under the circumstances. The written decision shall be provided to both parties as well as the Title IX Coordinator.

J. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after a formal complaint has been filed, the District may offer an optional informal resolution process (e.g., mediation) that does not involve a full investigation and adjudication of the formal complaint. In order to do so, the District must:

1. Provide written notice to the parties disclosing:
 - a. The allegations of the formal complaint;
 - b. The requirements of the informal resolution process, including that the parties will be precluded from resuming a formal complaint arising from the same allegations in the event that an informal final resolution is agreed to during the informal

resolution process, and that any party has the right to withdraw from the informal resolution process and resume the Grievance Process with respect to the formal complaint at any time prior to agreeing to an informal final resolution;

- c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
2. Obtain the parties' voluntary written consent to the informal resolution process.

In no event may the District offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

If the parties consent to the informal resolution process, the District will attempt to complete that process within 30 days. If at any point during the informal resolution process it is determined that the allegations are unlikely to be resolved, the District reserves the right to resume the Grievance Process.

[Please see Pg. 79 to access the Formal Complaint Form of Sex Discrimination or Sexual Harassment.](#)

SMOKING/TOBACCO USE – 5640

School Grounds

Tobacco use will not be permitted and no person will use tobacco on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this does not apply to smoking in a residence, or within the real property boundary lines of residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

"Tobacco" is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.

The District also prohibits use of electronic cigarettes or e-cigarettes, and any refill, cartridges and any other component of an electronic cigarette or e-cigarette (collectively known as e-cigarette) on school grounds or in District vehicles.

The use of vaporizers or any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.

Off-School Grounds

Tobacco use and e-cigarette use is prohibited by students at any school-sponsored event or activity off school grounds.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting **all** forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994 and District policy.

The District will also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Smoking" Policy and environment.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos and other identifiers) are prohibited:

- a. On school grounds;
- b. In school vehicles;
- c. At school-sponsored events, including those that take place off school premises and in another state;
- d. In school publications;
- e. On clothing, shoes, accessories, gear, and school supplies in accordance with the District *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the Code of Conduct and applicable collective bargaining agreements.

In addition, tobacco advertising is also prohibited in all school-sponsored publications and at all school sponsored events. The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

Safe and Drug-Free Schools and Communities Act, 20 USC § 7101 et seq.
Pro-Children Act of 2001, 20 USC §§ 7181-7184, as amended by the Every Student Succeeds Act (ESSA) of 2015
Education Law §§ 409, 2801(1) and 3020-a
Public Health Law Article 13-E, Article 13-F, §§ 1399-aa(13), 1399-o

WELLNESS POLICY – 5661

The Kenmore-Tonawanda School District is committed to supporting a healthy environment where students and staff learn and participate in practices that enhance the development of life-long wellness behaviors. Such behaviors include healthy eating, regular physical activity, and knowledge of nutrition and nutritional choices. Adopting these behaviors within a healthy school environment will lead to a more successful school experience and improved quality of living.

A District-wide Wellness Committee will be maintained to protect and support the health and safety of students, staff, and others. The committee's composition may include representatives from all areas of the school community such as parents, students, staff (including health and physical education teachers), Board members and others. The committee will focus on school wellness, including policy development, implementation, evaluation and revision. The Superintendent's designee will serve on this committee and will be responsible for oversight of this policy.

All Kenmore-Tonawanda programs are expected to support the following goals intended to promote healthy nutritional choices, physical activity, and social and emotional wellness.

Nutritional Goals

- a. Where relevant to course content and student needs, classroom programs will emphasize nutritional knowledge and skills, including the benefits of healthy eating and weight management, understanding of food labels, and the ability to assess the effects of nutritional choices.
- b. Under the supervision of the Director of Food Services, the Kenmore-Tonawanda Food Service Program will meet or exceed the nutritional standards of all federal regulations and guidelines as they apply to schools and will provide balanced meals and a variety of healthy food choices. Medically authorized special diet requests will be honored. In addition, access to nutritional information of the Food Service Program will be available to the Kenmore-Tonawanda community.
- c. The District will maintain a program for free and reduced price meals for all students who qualify. The program will adhere to all federal and state laws and regulations. Applications will be kept strictly confidential.
- d. Foods and beverages sold outside the school meal programs, on the school campus in student accessible areas, and at any time during the school day-will follow, at a minimum, the nutrition standards specified by the Healthy, Hunger-Free Kids Act.

Physical Activity Goals

- a. Physical Education classes will promote student understanding of, engagement with, and commitment to the development of motor skills and regular exercise of sufficient intensity and duration to provide significant health benefits.

- b. Where appropriate, other programs and the school environment itself will encourage healthy physical activity for students and staff.

Social and Emotional Goals

- a. Classroom and school activities will encourage healthy group dynamics, such as collaboration, cooperation, mutual respect, and mutual support.
- b. Students will be encouraged to express thoughts and feelings in a responsible manner.
- c. School and community support services will be available for students and staff as needed and available to promote emotional and social well-being. See Board approved District Wellness Plan.

42 USC § 1758b
7 CFR § 210.11
79 FR 10693
Education Law § 915

SCHOOL SAFETY PLANS – 5681

The District considers the safety of its students and staff to be of the utmost importance and is keenly aware of the evolving nature of threats to schools. As such, it will address those threats accordingly through appropriate emergency response planning. The District-wide school safety plan and the building-level emergency response plan will be designed to prevent or minimize the effects of serious violent incidents and emergencies and to facilitate the coordination of schools and the District with local and county resources in the event of these incidents or emergencies.

These plans will be reviewed by the appropriate team on at least an annual basis and updated as needed by September 1. Specifically, the Board will make the District-wide school safety plan available for public comment at least 30 days prior to its adoption. The District-wide school safety plans may only be adopted by the Board after at least one public hearing that provides for the participation of school personnel, parents, students, and any other interested parties. Additionally, the District-wide school safety plan will designate the Superintendent or designee as the chief emergency officer responsible for coordinating communication between school staff and law enforcement and first responders, and for ensuring staff understanding of this plan. Similarly, the Superintendent will be responsible for ensuring the completion and yearly updating of building-level emergency response plans.

District-Wide School Safety Plan

District-wide school safety plan means a comprehensive, multi-hazard school safety plan that covers all school buildings of the District, addresses crisis intervention, emergency response and management at the District level, and has the contents as prescribed in Education Law and Commissioner's regulations

The District-wide school safety plan will be developed by the District-wide school safety team appointed by the Board. The District-wide team will include, but not be limited to, representatives of the Board, teacher, administrator, and parent organizations, school safety personnel, and other school personnel.

The plan will further address, among other items as set forth in Education Law and Commissioner's regulations, how the District will respond to implied or direct threats of violence by students, teachers, other school personnel as well as visitors to the school, including threats by students against themselves (e.g., suicide).

Building-Level Emergency Response Plan

Building-level emergency response plan means a plan that addresses crisis intervention, emergency response and management at the building level and has the contents as prescribed in Education Law and Commissioner's regulations. As part of this plan, the District will define the chain of command in a manner consistent with the National Incident Management System (NIMS)/Incident Command System (ICS).

The building-level emergency response plan will be developed by the building-level emergency response team. The building-level emergency response team is a building-specific team appointed by the building principal, in accordance with regulations or guidelines prescribed by the Board. The building-level team will include, but not be limited to, representatives of teacher, administrator, and parent organizations, school safety personnel and other school personnel, community members, law enforcement officials, fire officials, or other emergency response agencies, and any other representatives the Board deems appropriate.

Training Requirement

The District will submit certification to the New York State Education Department that all District and school staff have received annual training on the emergency response plan, and that this training included components on violence prevention and mental health. New employees hired after the start of the school year will receive training within 30 days of hire, or as part of the District's existing new hire training program, whichever is sooner.

Filing/Disclosure Requirements

The District will file a copy of its District-wide school safety plan and any amendments with the Commissioner of Education no later than 30 days after its adoption. A copy of each building-level emergency response plan and any amendments will be filed with the appropriate local law enforcement agency and with the state police within 30 days of its adoption. Building-level emergency response plans will be kept confidential and are not subject to disclosure under the Freedom of Information Law (FOIL) or any other provision of law.

Homeland Security Presidential Directives - HSPD-5, HSPD- Education Law §§ 807, 2801-a
Public Officers Law Article 6
8 NYCRR § 155.17 Education Law §§ 807, 2801-a

CODE OF ETHICS FOR ALL DISTRICT PERSONNEL – 6110

General Provisions

Officers and employees of the Kenmore-Town of Tonawanda Union Free School District hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct.

The provisions of this policy are intended to supplement Article 18 of the General Municipal Law and any other law relating to ethical conduct of District officers and employees, and should not be construed to conflict with those authorities.

Standards of Conduct

The following rules and standards of conduct apply to all officers, including Board members, and employees of the District.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of \$75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of his/her official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

Confidential Information

No person may disclose confidential information acquired by him/her in the course of his/her official duties or use this information to further his/her personal interests.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the District when he/she, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or his/her deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the District.

No employee, officer, or agent will participate in selecting, awarding, or administering a contract supported by a federal award if he or she has a real or apparent conflict of interest. These conflicts could arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of these parties has a financial or other interest in or a tangible personal interest benefit from a firm considered for a contract. Employees, officers, and agents will not solicit or accept gratuities, favors, or anything

of monetary value from contractors or parties to subcontracts. The District may, however, set standards for situations where the financial interest is not substantial or the gift is an unsolicited item of nominal value.

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer or employee as the result of a contract with the District. A District officer or employee will be considered to have an interest in the contract of: his/her spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which he/she is a member or employee; a corporation of which he/she is an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by him/her.

The provisions of the preceding four paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer or employee in one or more positions of public employment, not prohibited by law.

Representing Others in Matters Before the District

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any District officer or employee who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer or employee first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties, or that would otherwise impair his/her independence of judgment in the exercise or performance of his/her official powers or duties.

Private Employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

Future Employment

No person may, after the termination of service or employment with the District, appear before the District on behalf of his or her employer in relation to any case, proceeding, or application in which

he or she personally participated during the period of his or her service or employment with the District or which was under his or her active consideration while he or she was with the District.

Notice of Code of Ethics and General Municipal Law Sections 800-809

The Superintendent will ensure that a copy of this code of ethics is distributed to every District officer and employee, and that a copy of General Municipal Law Sections 800-809 is posted conspicuously in each District building. The failure to distribute this code of ethics or to post General Municipal Law Sections 800-809 will have no effect on either the duty of District officers and employees to comply with their provisions, or the ability of the District or other relevant authorities to enforce them.

Penalties

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

Education Law § 410
General Municipal Law Article 18 and §§ 800-809
2 CFR § 200.318(c)(1)

EQUAL EMPLOYMENT OPPORTUNITY – 6120

The District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, creed, national origin, religion, sex, sexual orientation, gender (including gender identity and gender expression), disability, age, military status, predisposing genetic characteristics, marital status, domestic-violence-victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

Investigation of Complaints and Grievances

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints.

The provisions of this policy will be made available to interested citizens and groups. Complaint procedures for issues involving discrimination and/or harassment are available in District Main Offices or on the District website.

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

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer

(CRCO). In the event the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

Age Discrimination in Employment Act, 29 USC § 621
Americans with Disabilities Act, 42 USC § 12101 et seq.
Genetic Information Non-Discrimination Act of 2008 (GINA) Public Law 110-233
Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.
Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
Civil Rights Law § 40-c
Civil Service Law § 75-B
Executive Law § 290 et seq.
Military Law §§ 242 and 243

SEXUAL HARASSMENT IN THE WORKPLACE – 6121

Overview

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

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

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)) and/or Title IX Coordinator(s).

Scope and Application

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

- a. Employees;
- b. Applicants for employment;
- c. Paid or unpaid interns; and
- d. Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school property, on personal devices, or during non-work hours. Accordingly, conduct or incidents of sexual harassment that create or foreseeably create a disruption within the District may be subject to this policy in certain circumstances.

Other District policies and documents such as regulations, procedures, collective bargaining agreements, and the District's Code of Conduct may address misconduct related to sexual harassment and may provide for additional, different, or more specific grievance procedures depending on a number of factors including, but not limited to, who is involved and where the alleged sexual harassment occurred. These documents must be read in conjunction with this policy. Applicable policies or documents may include: Policy #3420, Non-Discrimination and Anti-Harassment in the District; and Policy #3421, Title IX Policy Against Sexual Harassment and Sex Discrimination.

The dismissal of a complaint under one policy or document does not preclude action under another related District policy or document.

What Constitutes Sexual Harassment

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

Under New York State Human Rights Law, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

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

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

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a. Physical acts of a sexual nature, such as:
 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and

2. Rape, sexual battery, molestation or attempts to commit these assaults.
- b. Unwanted sexual advances or propositions, such as:
 1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
 2. Subtle or obvious pressure for unwelcome sexual activities.
 - c. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
 - d. Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
 - e. Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
 - f. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 - a. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - b. Sabotaging an individual's work; and
 - c. Bullying, yelling, or name-calling.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a. Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- b. Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c. Opposed sexual harassment by making an oral or informal complaint of harassment to a supervisor, building principal, other administrator, or the CRCO;
- d. Reported that another employee has been sexually harassed; or
- e. Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Allegations of Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420, Non-Discrimination and Anti-Harassment in the District; and Policy #3421, Title IX Policy Against Sexual Harassment and Sex Discrimination.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained in this policy.

Supervisory Responsibilities

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if

the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

Investigating Complaints of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- a. Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate.

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

- b. All complaints of sexual harassment will be investigated regardless of the form in which those complaints are made. For oral complaints, the individual will be encouraged to complete the complaint form, which is available on the District website, in writing. If he or she refuses, a complaint form based on the oral report will be prepared. The

complainant will be provided a copy of the completed complaint form.

- c. If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d. Request and review all relevant documents, including all electronic communications.
- e. Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- f. Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - 2. A list of names of those interviewed, along with a detailed summary of their statements;
 - 3. A timeline of events;
 - 4. A summary of prior relevant incidents, reported or unreported; and
 - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g. Keep the written documentation and associated documents in a secure and confidential location.
- h. Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i. Inform the individual who reported of the right to file a complaint or charge externally as outlined in this policy.

Additionally, other District policies and documents address sexual harassment. These policies and documents may include: Policy #3420, Non-Discrimination and Anti-Harassment in the District; and Policy #3421, Title IX Policy Against Sexual Harassment and Sex Discrimination. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) to determine which District policies and/or documents are applicable to the specific facts of the complaint.

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

Annual Training

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a. An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b. Examples of conduct that would constitute unlawful sexual harassment;
- c. Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d. Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e. Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Notification

The District will provide this policy to all employees in writing. The District will post this policy prominently throughout the District to the extent practicable.

At the time of hiring and at every annual sexual harassment prevention training program, the District will provide each employee a notice containing this policy and the information presented at the District's sexual harassment prevention training program.

This notice will be provided in English and in the language identified by the employee as his or her primary language, provided that the New York State Department of Labor Commissioner has published a template of the model materials in that language.

The notice will be delivered in writing, either in print or digitally. The notice will either link to or include, as an attachment or printed copy, the policy and training materials.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have additional legal protections.

State Human Rights Law (HRL)

The HRL, codified as N.Y. Executive Law, art. 15, Section 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the HRL 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 (three years beginning August 12, 2020) of the harassment. If an individual did not file with 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 District does not extend the time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

Individuals do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate the 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 the 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. Individuals may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit 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 USC Section 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 individual 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 or via email at 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 Act of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments Act of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

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.

Local Police Department

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.

Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
29 CFR Section 1604.11(a)
34 CFR Subtitle B, Chapter I
Civil Service Law Section 75-b
New York State Human Rights Law, Executive Law Section 290 et seq.
Labor Law Section 201-g

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#6122 -- Complaints and Grievances by Employees
#7551 -- Sexual Harassment of Students

EVALUATION OF PERSONNEL – 6130

All Staff Members

The administration shall undertake a continuous program of supervision and evaluation of all personnel, including support staff, in the School District. The primary purposes of the evaluations shall be to encourage and promote improved performance and to make decisions about the occupancy of positions.

Teachers and Administrators

The Kenmore-Town of Tonawanda Union Free School District is committed to supporting the development of effective teachers and administrators. To this end, the District shall provide procedures for the evaluation of all professional staff. District plans for Annual Professional Performance Review (APPR) of teachers and principals shall be developed in accordance with applicable laws, Commissioner's regulations, and Rules of the Board of Regents.

The primary purposes of these evaluations are:

- a. To encourage and promote improved performance;
- b. To guide professional development efforts; and
- c. To provide a basis for evaluative judgments by applicable school officials.

Disclosure of APPR

The Commissioner is required to disclose professional performance review data for teachers and building principals on the New York State Education website and in any other manner to make this data widely available to the public. The District will provide notice to parents or legal guardians of their right to obtain this information and the methods by which the data can be obtained.

Annual professional performance reviews of individual teachers and principals shall not be subject to disclosure under the Freedom of Information Law (FOIL).

Education Law §§ 3012-c, 3012-d
Public Officers Law §§ 87 and 89
8 NYCRR §§ 80-1.1 and 100.2(o)

DRUG-FREE WORKPLACE – 6151

It shall be the general policy of the Board of Education to affirm that all programs in the District that receive Federal funds shall guarantee that their workplaces are free of controlled substances. "Controlled substance" means a controlled substance in schedules I through V of Section 202 of the Controlled Substances Act (21 USC 812) and as further defined in regulation at 21 Code of Federal Regulations (CFR) Sections 1308.11-1308.15. An acknowledgment form shall be signed by the Superintendent indicating that the District is in full compliance with the Drug-Free Workplace Act. This policy shall guarantee that not only Federally funded programs, but the entire District is free of controlled substances.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the School District.

The Board of Education directs the administration to develop regulations to comply with this policy, and further supports such actions and activities of the administration as shall be required to maintain a drug-free workplace.

Drug-Free Workplace Act, 20 USC § 7101 et seq.
21 USC § 812
21 CFR §§ 1308.11-1308.15
34 CFR Part 85

STAFF-STUDENT RELATIONS (FRATERNIZATION) – 6180

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; personal communication with a student unrelated to course work, official school matters or concerns regarding a student's safety and welfare; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. (Personal communication with a student unrelated to course work, official school matters or concerns regarding a student's safety and welfare means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via

phone, e-mail, blogging, instant messaging, text messaging or through social networking Web sites.)

Even if the student participated “willingly” in the activity (regardless of the student’s age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee’s supervisor, the student’s Principal or the District’s designated Complaint Officer. In all events such reports shall be forwarded to the designated Complaint Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

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

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

District Responsibility/Training

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District *Code of Conduct*.

Disciplinary Sanctions

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

STAFF ACCEPTABLE USE POLICY – 6410

The Kenmore-Tonawanda Board of Education will provide staff access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services" and the "Internet." It may include the opportunity for staff to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy.

Use of Kenmore-Tonawanda computer resources is authorized only for purposes that are part of the District's educational mission, including but not limited to instruction, assessment, administration, research, professional development, or other tasks associated with staff assignments. Use for any other purpose is prohibited.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. This policy does not attempt to articulate all required and/or acceptable uses of the DCS; nor is it the intention of this policy to define all inappropriate usage.

District staff shall also adhere to the laws, policies and rules governing computers including, but not limited to, copyright laws, rights of software publishers, license agreements, and rights of privacy created by federal and state law.

General Rules and Guidelines

a. Obscene Materials

The use of District computer resources to view, make, transmit, receive or otherwise engage with obscene materials is strictly prohibited.

b. Commercial and Political Activities

Users of the District computer resources are prohibited from engaging in the promotion or sale of commercial or non-commercial products, services or advertising. Users are also prohibited from using the resources for political fundraising or lobbying.

c. Personal and System Security

No user may knowingly introduce or transmit viruses or other forms of sabotage into the District computer resources. No person may view, alter, or transmit data for which he/she does not have

specific authorization. Users are responsible for maintaining the confidentiality of passwords as well as of their own and others' personally identifying information.

Unauthorized use of encryption techniques is prohibited.

Users are expected to report any problems (hardware, software, connectivity, etc.) to their immediate supervisor.

d. Etiquette

In language and in conduct, users are expected to employ the same standard of politeness and respect that is appropriate in other transactions within the school community.

Staff members who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline. The District reserves the right to pursue legal action against a staff member who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against any staff member who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

District administrators shall have the authority to determine whether a particular use is appropriate or inappropriate, authorized or prohibited, in their respective domains of supervisory responsibility. For uses that may be illegal, administrators have the authority to consult with law enforcement authorities. Administrators also have the authority to impose disciplinary consequences where warranted.

Social Media Use by Employees

The District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites (SNS), have great potential to connect people around the globe and enhance communication. Therefore, the Board encourages the use of District-approved social media tools and the exploration of new and emerging technologies to supplement the range of communication and educational services.

Public social media networks or SNS are defined to include: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites, and any other social media generally available to the District community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, Vine, Instagram, SnapChat, etc.). The definition of District approved password-protected social media tools are those that fall within the District's electronic technology network or which the District has approved for educational use. Within these internal forums, the District has greater authority and ability to protect minors from inappropriate content and can limit public access.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use and Personal Use. Personal use of social media or SNS by employees during District time or on District-owned equipment is allowed on a limited basis. In addition, employees are encouraged to maintain the highest levels of professionalism when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District policies and regulations.

Confidentiality, Private Information and Privacy Rights

Confidential or private data, including, but not limited to, protected student records, employee personal identifying information, and District assessment data, will only be loaded, stored, or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Similarly, staff are permitted to store confidential files on the District storage locations or in District approved Google Drive storage. Storage of confidential files on non-district cloud services is not permissible.

In addition, staff will not leave any devices unattended with confidential information visible. All devices must be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Data files and other electronic storage areas will be considered to be School District property subject to control and inspection. Authorized District personnel may access all staff data files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Staff members should not expect that information stored on the DCS will be private.

Notification

The District's Acceptable Use Policy and any further guidelines or regulations that may exist will be disseminated to staff members in order to provide notice of the school's requirements and expectations, and of staff members' obligations when accessing the DCS.

USE OF EMAIL IN THE SCHOOL DISTRICT – 6411

Electronic mail or email is a valuable business communication tool, however, users must use this tool in a responsible and lawful manner. Every employee and authorized user has a responsibility to be knowledgeable about the inherent risks associated with email usage and to avoid placing the District at risk. The same laws and business records requirements apply to email as to other forms of written communication. District employees and authorized users shall use the District's designated email system, such as Lotus Notes or Microsoft Exchange, for all business-related email, including emails in which students or student issues are involved. Personal accounts and instant messaging shall not be used to conduct official business.

Employee Acknowledgement

All employees and authorized users will be required to review a copy of the District's policies on staff use of computerized information resources and the regulations established in connection with those policies. Each user must annually acknowledge this employee and authorized user agreement before establishing an account or continuing in his/her use of email.

Classified and Confidential

District employees and authorized users may not:

- a. Provide lists or information about District employees or students to others and/or classified information without approval. Questions regarding usage and requests for such lists or information should be directed to a principal/supervisor;
- b. Forward emails with confidential, sensitive, or secure information without principal/supervisor authorization. Additional precautions, such as encryption, should be taken when sending documents of a confidential nature;
- c. Use filenames that may disclose confidential information. Confidential files should be password protected and encrypted. File protection passwords shall not be transmitted via email correspondence;
- d. Use email to transmit any individual's personal, private and sensitive information (PPSI). PPSI includes social security number, driver's license number or non-driver ID number, account number, credit/debit card number and security code, or any access code/password that permits access to financial accounts or protected student records;
- e. Send or forward emails with comments or statements about the District that may negatively impact it; or
- f. Send or forward email that contains confidential information subject to Health Insurance Portability and Accountability Act (HIPAA), Family Educational Rights and Privacy Act (FERPA), and other applicable laws.

Personal Use

Employees and authorized users may use the District's email system for limited personal use. However, employees and authorized users have no expectation of privacy in email use. Personal use does not include chain letters, junk mail, and jokes. Employees and authorized users shall not access any other email account or system (Yahoo, Hotmail, AOL, etc.) via the District's network or use the District's email programs to conduct job searches, post personal information to bulletin boards, blogs, chat groups, and list services, etc. without specific permission from the principal/supervisor. The District's email system also shall not be used for personal gain or profit.

Receiving Unacceptable Mail

Employees and authorized users who receive offensive, unpleasant, harassing, or intimidating messages via District email or instant messaging should inform their principal/supervisor immediately.

Records Management and Retention

Email shall be maintained and archived in accordance with the NYS Records Retention and Disposition Schedule ED-1 and as outlined in the Records Management Policy. Email records may consequently be deleted, purged, or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

Training

Employees/authorized users should receive regular training on the following topics:

- a. The appropriate use of email with students, parents and other staff to avoid issues regarding harassment and/or charges of fraternization;
- b. Confidentiality of emails;
- c. Permanence of email: email is never truly deleted, as the data can reside in many different places and in many different forms; and
- d. No expectation of privacy: email use on District property is NOT to be construed as private.

Sanctions

The Computer Coordinator may report inappropriate use of email by an employee/authorized user to the employee/authorized user's principal/supervisor who may take appropriate disciplinary action. Violations may result in a loss of email use, access to the technology network, and/or other disciplinary action. When applicable, law enforcement agencies may be contacted.

Confidentiality Notice

A standard confidentiality notice will automatically be added to each email as determined by the District.

Adopted: 2/9/16

Cross References

3320 - Confidentiality of Computerized Information

3430 - Discrimination, Harassment and the Dignity for All Students Act

5670 - Records Management

6410 - Staff Acceptable Use Policy

8271 - Internet Safety/Internet Content Filtering

EMPLOYEE POLITICAL ACTIVITIES – 6430

The Board recognizes the right of its employees, as citizens, to engage in political activities and to exercise their constitutionally-protected rights to address matters of public concern.

However, a District employee's constitutional rights to raise matters of public concern are limited when the speech or action occurs on school grounds and/or during school times. Under these circumstances, the Board can impose reasonable restrictions on the time, place and manner of the speech or action, and can further regulate the content of the speech when it materially imperils the efficient operation of the school.

Teachers may not use their classrooms or school surroundings as a means to promote their personal political views and beliefs. However, teachers are encouraged to address issues of current events for their instructional and informational value to students, to invite public and/or political figures to visit the classroom as a community resource, upon prior approval of the building principal, and to motivate students to participate in the political process.

NOTE: Refer also to Policies #3271 -- Solicitation of Charitable Donations
#3272 -- Advertising in the Schools
#5560 -- Use of Federal Funds for Political Expenditures

EMPLOYEE ASSISTANCE PROGRAM (EAP) – 6530

The District will provide an Employee Assistance Program for employees who are experiencing personal difficulties. The purpose of the program is to assist employees in obtaining help to resolve such problems in an effective and confidential manner. This program recognizes that the primary obligation to seek assistance and to resolve the problem rests with the employee.

The Board recognizes that a wide range of problems that are not directly associated with an employee's job function may have an effect on an employee's job performance. The problems may involve physical illness, mental or emotional illness, alcohol abuse or alcoholism, drug abuse or dependency, tobacco abuse or personal problems such as those of a marital, family, or financial nature.

A joint District/employee organization committee will be established to assist in the implementation of this policy.

Cross References

3410 - Code of Conduct on School Property

6150 - Alcohol, Drugs and Other Substances

6151 - Drug-Free Workplace

FAMILY AND MEDICAL LEAVE ACT (FLMA) - 6551

The District allows eligible employees to take unpaid FMLA leave for up to 12 work weeks in a 12-month period as determined by the District. Employees are eligible if they have been employed by the District for at least 12 months and for at least 1,250 hours of service during the previous 12-month period. Full-time teachers meet the 1,250-hour test.

The District uses a "rolling" 12-month period measured backward from the date of any FMLA leave usage to calculate the FMLA leave. In certain cases, FMLA leave may be taken on an intermittent or reduced schedule basis rather than all at once. The entitlement to leave for the birth or placement of a child expires at the end of the 12-month period beginning on the date of the birth or placement.

Eligible employees may be granted leave for one or more of the following reasons:

- a. The birth of a child and care for the child;
- b. Adoption of a child and care for the child;
- c. The placement of a child with the employee from foster care;
- d. To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
- e. To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a serious health condition; or
- f. The employee's serious health condition prevents the employee from performing his or her job.

A serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider that renders the person incapacitated for more than three consecutive calendar days. An employee claiming a serious health condition must first visit a healthcare provider within seven days of the incapacity; the second visit must occur within 30 days of the incapacitating event. An employee claiming the need for continuous treatment under FMLA for a chronic serious health condition must visit a healthcare provider at least twice per year, and the condition must continue over an extended period of time. The condition may cause episodic rather than a continuing period of incapacity.

Military Family Leave Entitlements

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered servicemember with a serious injury or illness may take up to 26 weeks of leave during a single 12-month period to care for the servicemember.

Qualifying Exigency Leave

An "eligible" employee may take qualifying exigency leave when his or her spouse, son, daughter, or parent who is a member of the Armed Forces, National Guard, or Reserves is on covered active duty or has been notified of an impending call or order to covered active duty.

Concurrent (Substitute) Leave

Employees must use paid leave concurrently with periods of FMLA leave.

Special Provisions for Instructional Employees

An instructional employee's principal function is to teach and instruct students in a class, a small group, or an individual setting. Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an instructional employee.

Intermittent Leave Taken by Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is continuous leave. The period during summer vacation is not counted against an employee's FMLA leave entitlement; the employee will continue to receive any benefits that are customarily given over the summer break.

If an instructional employee requests intermittent leave or leave on a reduced schedule, and will be on that leave for more than 20% of the number of working days during that period, the District may:

- a. Require the employee to take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b. Transfer the employee temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits, and which better accommodates recurring leave periods than the employee's regular position.

Leave Taken by Instructional Employees Near the End of the Instructional Year

If the instructional employee begins leave more than five weeks before the end of the term, the District may require him or her to continue taking leave until the end of the term if the leave lasts more than three weeks and the employee would return during the three weeks before the end of the term.

If the instructional employee begins leave less than five weeks before the end of the term for any FMLA-related reasons except qualifying exigency, the District may require that the employee remain out for the rest of the term if the leave lasts more than two weeks and the employee would return to work during that two-week period at the end of the instructional term.

If the instructional employee begins taking leave during the three weeks before the end of the term for any FMLA-related reason except qualifying exigency, the District may require that the employee continue leave until the end of the term if the leave will last more than five working days.

Any additional time that is required by the District will not be charged against the employee as FMLA leave.

Benefits and Restoration

An employee is entitled to have group health insurance and benefits maintained while on leave. If an employee was paying all or part of the premium payments before leave, the employee will continue to pay his or her share during the leave period.

In most instances, an employee has a right to return to the same or an equivalent position following a leave. The Superintendent or designee may reassign an employee in accordance with any applicable collective bargaining agreement to a different grade level, building, or assignment consistent with the employee's certification and tenure area.

Employee Notice and Medical Certification

When leave is foreseeable, the employee must give at least 30 days' advance notice of when and how much leave he or she needs. When leave is not foreseeable, the employee must provide notice as soon as practicable.

The District may require an employee to submit certification from a healthcare provider to substantiate a leave request. If the certification is incomplete or insufficient, the District will identify in writing what information the employee must provide to correct the deficiency within seven days. If the employee fails to timely provide the requested information, the District may deny his or her FMLA leave request.

The District may also request a second opinion regarding the employee's medical status from a healthcare provider of its choice at its expense, and a third opinion from a provider agreed upon by the District and the employee, to be paid for by the District.

FMLA Notice

The District will display a general notice to employees about FMLA leave rights, that will include how to file a complaint, in each school building. The District will also provide a written general notice about the FMLA in the employee handbook to each new employee upon hire. The District has five days to supply this notice from the date of hire.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3

National Defense Authorization Act of 2008, Public Law 110-181

10 USC Section 101(a) (13)

29 USC Sections 1630.1 and 2611-2654

29 CFR Part 825 and Part 1630

42 USC Section 12102

Health Insurance Portability and Accountability Act of 1996 (HIPAA), Public Law 104-191

45 CFR Parts 160 and 164

CORPORAL PUNISHMENT – 7350

Corporal punishment as a means of discipline shall not be used against a student by any teacher, administrator, officer, employee or agent of this School District.

However, if alternative procedures and methods which would not involve physical force do not work, then the use of reasonable physical force is not prohibited for the following reasons:

- a) Self-protection;
- b) Protection of others;
- c) Protection of property; or
- d) Restraining/removing a disruptive student.

Whenever a school employee uses physical force against a student, the school employee shall, within the same school day, make a report to the Superintendent describing in detail the circumstances and the nature of the action taken.

The Superintendent of Schools shall submit a written report semi-annually to the Commissioner of Education, with copies to the Board of Education, by January 15 and July 15 of each year, setting forth the substance of each written complaint about the use of corporal punishment received by the Kenmore-Town of Tonawanda Union Free School authorities during the reporting period, the results of each investigation, and the action, if any, taken by the school authorities in each case.

WEAPONS IN SCHOOL AND THE GUN-FREE SCHOOLS ACT – 7360

With the exception of those students who receive prior written permission from the Board of Education or its designee, no student may bring in or possess any "firearm" or "weapon" on school property, on a school bus or District vehicle, in school buildings, or at school-sponsored activities or settings under the control or supervision of the District regardless of location. Any student who has been found guilty of bringing in or possessing a firearm or weapon in violation of this policy will be disciplined in a manner consistent with state and federal law and the District's *Code of Conduct*. Such discipline may include a mandatory suspension for a period of not less than one (1) calendar year for a student who is determined to have violated the Federal Gun-Free Schools Act and its implementing provisions in the New York State Education Law, provided that the Superintendent may modify the suspension requirement on a case-by-case basis.

Students who have brought a "weapon" or "firearm" to school will be referred by the Superintendent to either a presentment agency (the agency or authority responsible for presenting a juvenile delinquency proceeding) or to appropriate law enforcement officials. Such referrals will be made as follows: a student who is under the age of sixteen (16) and who is not a fourteen (14) or fifteen (15) year-old who qualifies for juvenile offender status under the Criminal Procedure Law will be referred to a presentment agency for juvenile delinquency proceedings; a student who is sixteen (16) years old or older, or who is fourteen (14) or fifteen (15) and qualifies for juvenile offender status, will be referred to the appropriate law enforcement authorities.

For the purposes of this policy, the term "weapon" will be as defined in 18 USC 930(g)(2).

For the purposes of this policy, the term "firearm" will be as defined in 18 USC 921(a).

Students with disabilities continue to be entitled to all rights enumerated in the Individuals with Disabilities Act and Education Law Article 89. This policy shall not be deemed to authorize suspension of students with disabilities in violation of those authorities.

This policy does not diminish the authority of the Board of Education to offer courses in instruction in the safe use of firearms pursuant to Education Law Section 809-a.

Gun-Free Schools Act as reauthorized by the No Child Left Behind Act of 2001, 18 USC §§ 921(a) and 930

Criminal Procedure Law § 1.20(42)
Education Law §§ 809-a and 3214
NOTE: Refer also to District *Code of Conduct*
Cross References
3411 - Prohibition of Weapons on School Grounds
7313 - Suspension of Students

ACCIDENTS AND MEDICAL EMERGENCIES – 7520

Student Emergency Treatment

All staff members of the District are responsible to obtain first aid care for students who are injured or become ill while under school supervision.

In most instances first aid is expected to be rendered first, and then the parent will be contacted to come to school and transport the student to the family physician. Beyond first aid, the medical care of the student is the parent's responsibility. However, the student's welfare is always the primary concern, and it is the responsibility of school personnel to exercise good judgment and care under all circumstances.

The Board encourages all staff members to become qualified to give emergency treatment through instruction in first aid, Cardiopulmonary Resuscitation (CPR) and Automated External Defibrillators (AEDs).

Transporting an Ill or Injured Student

In the event of an illness or injury to a student, an ambulance may be called. The District will make all reasonable attempts to contact a parent or person in parental relation when determining if emergency treatment is necessary.

Insurance

The Board will approve provisions for all students to be covered by group insurance. These student accident insurance policies will be a co-insurance with family coverage(s) as primary.

Education Law Sections 1604(7-a), 1604(7-b), 1709(8-a) and 1709(8-b)

NOTE: Refer also to Policy #7420 -- Sports and the Athletic Program

CHILD ABUSE AND NEGLECT – 7530

The Kenmore-Town of Tonawanda Union Free School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law (Sections 411-428). Our purpose is to provide protective services to abused, neglected, and maltreated children as described by the law, and to make all school personnel within the District aware of our legal responsibilities under this law.

Regulations shall be developed, maintained and disseminated by administration regarding the:

- a) mandatory reporting of child abuse/neglect;

- b) reporting procedures and obligations of persons required to report;
- c) provisions for taking a child into protective custody;
- d) mandatory reporting of deaths;
- e) immunity from liability and penalties for failure to report; and
- f) obligations for provision of services and procedures necessary to safeguard the life of a child.

A copy of each report shall be filed in the building and in the Office of Pupil Services. Upon receipt of a report from Child Protective Services that the charge is unfounded, all documentation shall be deleted from the records. Additionally, an ongoing training program for all professional staff is required for certification.

DIGNITY FOR ALL STUDENTS – 7550

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory 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 by school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each DAC will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity or expression), and sex. Training will also be provided for DACs which addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited that 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, and sex; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a. Listing it in the *Code of Conduct*, with updates posted on the District's website; and
- b. Including it in the *Code of Conduct's* plain language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c. Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication and/or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution as soon as practicable thereafter;
- d. Posting it in highly visible areas of school buildings; and
- e. Making it available at the District and school-level administrative offices.

If a DAC vacates his or her position, the District will immediately designate an interim DAC, pending approval from the Board within 30 days. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and/or discrimination, and to discourage and respond to incidents of harassment, bullying, and/or discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a. Raise awareness and sensitivity to potential acts of harassment, bullying, and/or discrimination;
- b. Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c. Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d. Enable employees to prevent and respond to incidents of harassment, bullying, and/or discrimination;
- e. Make school employees aware of the effects of harassment, bullying, cyberbullying, and/or discrimination on students;
- f. Provide strategies for effectively addressing problems of exclusion, bias, and aggression;

- g. Include safe and supportive school climate concepts in curriculum and classroom management; and
- h. Ensure the effective implementation of school policy on conduct and discipline.

Rules against harassment, bullying, and discrimination will be included in the Code of Conduct, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the Code of Conduct will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current Code of Conduct upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Harassment, Bullying, and/or Discrimination

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the principal, Superintendent, DAC, or designee.

The principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation, may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints.

In the event any investigation verifies that harassment, bullying, and/or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

Prohibition of Retaliatory Behavior ("Whistle-Blower" Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those

proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

Publication of District Policy

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law or regulation including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801 and 3214

8 NYCRR § 100.2

STUDENT GENDER IDENTITY – 7552

All students need a safe and supportive educational environment to progress academically and developmentally. The District is committed to fostering a safe learning environment for all students, free from discrimination and harassment on the basis of sex, gender, gender identity, gender nonconformity, and gender expression. In accordance with applicable law, regulations, and guidelines, the District will ensure that students have equal access to all school programs, facilities, and activities. The District will assess and address the specific needs of each student on a case-by-case basis.

Key Terms

Generally, District personnel should use the language that individual students are using to describe their own gender identity, appearance, or behavior. The most commonly used terms are:

Cisgender: a person whose gender identity corresponds to their assigned sex at birth.

Gender: actual or perceived sex, typically with reference to social and cultural differences rather than physiological ones.

Gender expression: the ways a person conveys their gender identity to others, such as through behavior, appearance, clothing, hairstyle, activities, voice, and mannerisms.

Gender identity: a person's inner sense or psychological knowledge of being male, female, neither, or both.

Gender nonconforming (GNC): describes someone whose gender identity or gender expression does not conform to social or stereotypical expectations of a person with that gender assigned at birth. This is also referred to as gender variant or gender atypical.

Transgender: someone whose gender identity is different than their gender assigned at birth.

Transition: the process by which a person socially or physically aligns their gender expression more closely to their gender identity than their assigned sex at birth.

Records

As required by law, the District will maintain the confidentiality of student information and records. If a transgender or GNC student has officially changed his or her name, as demonstrated by court order or birth certificate, the District will change its official and unofficial records, as needed, to reflect the change. The District will maintain records with the student's assigned birth name in a separate, confidential file.

If a transgender or GNC student has not officially changed his or her name, but wishes to be referred to by a different name that corresponds to their gender identity, the District may create or change unofficial records to reflect the name and gender identity that the student consistently asserts at school. On state standardized tests, certain reports to the New York State Education Department, and when necessary to ensure appropriate and coordinated medical care, however, the District will use the student's legal name and gender. Any student identification cards will be issued with the name reflecting the gender identity the student consistently asserts at school. The District will maintain records with the student's assigned birth name and gender in a separate, confidential file.

Names and Pronouns

When apprised of a student's transgender or GNC status, the District will endeavor to engage the student and his or her parents or guardians, as appropriate, in an effort to agree upon a plan that will accommodate the student's individual needs at school. Transgender and GNC students have the right to discuss and convey their gender identity and expression openly and to decide when, with whom, and how much to share this confidential information. The plan may therefore include when and how to initiate the student's preferred name and associated pronoun use and if, when, and how this is communicated to others. District staff will use the name and pronoun that corresponds to the gender identity the student consistently asserts at school.

Restrooms and Locker Rooms

The District will allow a transgender or GNC student to use the restroom and locker room that corresponds to the student's consistently expressed gender identity at school. Any student requesting increased privacy or other accommodations when using bathrooms or locker rooms will

be provided with a safe and adequate alternative, but they will not be required to use that alternative.

Physical Education and Sports

Physical education is a required part of the District's curriculum. Where these classes are sex-segregated, students will be allowed to participate in a manner consistent with their gender identity. Students will likewise be allowed to participate in intramural activities consistent with their gender identity.

Upon written notification that a transgender or GNC student would like an opportunity to participate in the District's interscholastic athletics program consistent with his or her gender identity, the District will determine his or her eligibility in accordance with applicable law, regulations, and guidelines. The District will confirm the student's asserted gender identity with documentation it considers appropriate from a parent or guardian, counselor, doctor, psychologist, psychiatrist, or other medical professionals. The student's gender identity should be the same as the identity used for District registration and other school purposes.

The District's athletic director will notify opposing team athletic directors or the New York State Public High School Athletic Association if a student needs any accommodations during competitions. Any appeal regarding the District's eligibility decision will be directly to the Commissioner of Education.

Other Activities

Generally, in other circumstances where students may be sex-segregated, such as overnight field trips, students may be permitted to participate in accordance with the gender identity that the student consistently asserts at school. Student privacy concerns will be addressed individually and on a case-by-case basis in accordance with District policy and applicable law, regulations, and guidelines.

Dress Code and Team Uniforms

Transgender or GNC students may dress in accordance with their gender identity or expression, within the parameters of the District's dress code. The District will not restrict students' clothing or appearance on the basis of gender.

The District's dress code applies while its athletes are traveling to and from athletic contests. Athletes will have access to uniforms that are appropriate for their sport.

Family Educational Rights and Privacy Act (FERPA), 20 USC § 1232g
34 CFR Part 99
Title IX of the Education Amendments of 1972
Education Law Article 2 and §§ 2-d, 11(7), 3201-a
8 NYCRR § 100.2

Cross References

3410 - Code of Conduct on School Property

3420 - Non-Discrimination

7550 - Dignity for All Students

7553 - Hazing of Students

EQUAL EDUCATIONAL OPPORTUNITIES – 8130

Each student attending Kenmore-Tonawanda programs shall have equal access to educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities, school services, and extracurricular events on the basis of race, color, ethnicity, creed, religion, national origin, political affiliation, sex, sexual orientation, age, weight, marital status, military status, veteran status, disability, or use of a recognized guide dog, hearing dog or service dog.

The Superintendent will establish and maintain procedures for reporting, investigating, and remedying allegations of discrimination with respect to equal educational opportunity. A copy of the procedures (3420R) may be obtained in any District main office.

The District statement of non-discrimination, along with names and contact information of Compliance Officers responsible for assuring non-discrimination in the District are available in all main offices.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, witnesses, and/or any other individuals who participated in the investigation of a complaint related to this policy. The complaint procedures will include affirmative steps to prevent and respond to any retaliatory behavior.

Americans With Disabilities Act, 42 USC § 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 USC § 794 et seq.

Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law § 40-c Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability.

Executive Law § 290 et seq. Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, or use of a recognized guide dog, hearing dog or service dog.

Age Discrimination Act

Additional Information:

- District Policies for DASA (# 7550), Hazards Communication (# 5690), Title IX (# 3421) and Sexual Harassment (# 6121) can be found in the Employee Handbook. The Employee Handbook can be accessed through Vector Solutions and on the District Website at <https://www.ktufsd.org/site/default.aspx?PageType=3&DomainID=51&ModuleInstanceID=16601&ViewID=6446EE88-D30C-497E-9316-3F8874B3E108&RenderLoc=0&FlexDataID=18351&PageID=14235>
- Anyone who believes he or she has been subjected to behavior that may constitute sexual harassment in the school environment or otherwise violates this policy, or any other person who witnesses, becomes aware of, or suspects an occurrence of behavior that may constitute sexual harassment is strongly encouraged to immediately report such behavior to his or her principal or supervisor and/or a designated District Compliance Officer.
- **District Sexual Harassment Compliance Officers:**
 - **Kelly White-** Assistant Superintendent for Instruction
 - **Jeffery Richards-** Assistant Superintendent for Human Resources
 - In order to file a complaint please contact Mrs. White or Mr. Richards at the Administration Building at (716) 874-8400
- **School Building Dignity Act Coordinators:**
 - **District Representative-** Dina Ferraraccio
 - **Kenmore West High School-** Michelle Taberski
 - **Kenmore East High School-** Patricia Busch
 - **Hoover Middle School-** Kathy Vittum
 - **Franklin Middle School-** Matt Gourlay
 - **Kenmore Middle School-** Nadine Brown
 - **Hoover Elementary School-** TBD (Please see building Admin)
 - **Franklin Elementary School-** Rebecca Kobielski
 - **Lindbergh Elementary School-** Mindy Albanesi
 - **Edison Elementary School-** Kristine Pieczonka
 - **Holmes Elementary School-** Emily West
- **District Hazards Communication Administrator:**
 - **Tim Ames,** Director of Facilities
 - In order to access the Safety Data Sheets (SDS), please contact the Buildings and Grounds Department at (716) 874-8474

* All individuals notated above subject to change. Contact Human Resources with questions regarding changes.

FORMAL COMPLAINT OF SEX DISCRIMINATION OR SEXUAL HARASSMENT

Instructions: This form will be used to evaluate and process your complaint in accordance with District Policy 3421 *TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION* and other applicable policies, rules or procedures established by the District. Please include as much detail as possible. If additional space is needed in response to any question please attach additional pages as necessary. You may also include and submit with this form any materials or evidence you believe are relevant to your allegations. Please note that by signing below, you are verifying that the information contained herein is true and accurate, and that you are requesting that the District conduct an investigation into the allegations. Once completed, please sign where indicated at the bottom and submit this form along with any additional materials to the Title IX Coordinator(s) at

- **Jeffery Richards, Assistant Superintendent for Human Resources**
 - **1500 Colvin Boulevard, Buffalo, NY 14223; (716) 874-8400, extension 20414; jrichards@ktufsd.org**
- **Kelly White, Assistant Superintendent for Curriculum, Leadership and Instruction**
 - **1500 Colvin Boulevard, Buffalo, NY 14223; (716) 874-8400, extension 20333; kwhite@ktufsd.org**

If you have any questions or require assistance in completing this form, please feel free to contact the Title IX Coordinator(s) directly.

Name of Complainant: _____

If the Complainant is not the victim, please describe relationship to the victim: _____

Address: _____

Phone Number: (____) _____ Email: _____

Name of Victim: _____ Grade: _____

Name of Respondent: _____

Respondent's relationship to the District:

Student Employee Other (please describe): _____

Location of Incident(s): _____

Description of the incident(s) of sex discrimination or sexual harassment, including dates, times, locations and

any other information you believe to be relevant to the complaint:

Witnesses:

1. _____ Contact Info: _____
2. _____ Contact Info: _____
3. _____ Contact Info: _____

Have you previously reported these allegations, verbally or in writing, to any employees of the District or to law enforcement?

If yes, please identify any such individual(s), when you informed each individual, and describe any outcome or resolution:

If there is a particular remedy or other corrective action you are seeking, please describe it here:

I understand that by signing this formal written complaint form, I affirm that all of the information set forth above is true and accurate to the best of my knowledge, and that I am requesting that the District investigate the allegations.

Complainant

Date

Received by: _____
Title IX Coordinator

Date

***Note:** If, after reviewing this form and any related materials submitted herewith, the Title IX Coordinator determines that the conduct alleged (i) does not constitute sexual harassment as defined by Title IX even if proved, (ii) did not occur in the District's education program or activity, or (iii) did not occur against a person in the United States, then the formal complaint will be dismissed and will not proceed under the District's Title IX Grievance Process. However, the dismissal of a formal complaint under Title IX does not preclude the District from conducting an investigation or taking other action under other applicable policies, rules or Code of Conduct of the District, as appropriate.

For District Use Only

Formal complaint initially received on: _____

Formal complaint initially received by: _____
(name and title)

If not received by the Title IX Coordinator, indicate the date on which the formal complaint was forwarded to the Title IX Coordinator: _____

