

RACIAL AND OTHER FORMS OF HARASSMENT OF STUDENTS

I. Declaration of Policy and Intent

It is the policy of the Berlin Central School District Board of Education to protect the right of every student in the District to benefit from the program of instruction and all other programs, services, and privileges offered by the District, and to be free from all forms of discrimination, including harassment, on account of the student's race, color, religion or creed, disability, sexual orientation or physical condition.

A perpetrator of harassment may be any person who comes in contact with students on school grounds, property or vehicles or at a school- sponsored activity.

II. Harassment of Students Strictly Prohibited

Harassment of any student in any manner by any person is hereby strictly prohibited by the Board. Any employee of the District or student who engages in any form of harassment shall be subject to appropriate discipline, up to an including discharge of an employee and suspension of a student.

III. Retaliatory Behavior Against Complainants Prohibited

Retaliatory behavior by any party against any complainants of or witnesses to harassment is hereby strictly prohibited by the Board. Such retaliatory behavior shall be deemed to be the equivalent of actual harassment. Any employee of the District or student who engages in any form of retaliatory behavior shall be subject to appropriate discipline, up to an including discharge of an employee and suspension of a student.

IV. Forms of Harassment Described

The Board recognizes that harassment of students consists of disparate treatment of specific individuals on the basis of race, color, national origin, religion or creed, disability, sexual orientation or physical condition.

Such disparity of treatment particularly as it relates to racial harassment is understood to have two different forms:

A. When one or more employee or agent of the District, acting within the scope of official duties, treats one or more specific students differently than other students solely on the basis of race, color, or national origin; or

B. When the educational environment of the District is not kept free from discrimination because the harassing conduct is so severe, pervasive, or persistent that it interferes with or limits the ability of a student to participate in or otherwise benefit from the services, activities, or privileges provided by the District.

Disparity of treatment as it relates to religion or creed, disability, sexual orientation or physical condition occurs under analogous circumstances:

A. When one or more employee or agent of the District, acting within the scope of official duties, treats one or more specific students differently than other students solely on the basis of their religion or creed, disability, sexual orientation or physical condition; or

B. When the educational environment of the District is not kept free from discrimination because the harassing conduct is so severe, pervasive, or persistent that it interferes with or limits the ability of a student to participate in or otherwise benefit from the services, activities, or privileges provided by the District.

V. Reporting of Harassment

Any student who believes that she/he has been subjected to harassment should report the alleged misconduct immediately so that corrective action, up to and including discharge of an employee and suspension of a student, may be taken promptly. A student who believes that she/he has been subjected to harassment should report the alleged misconduct to a person who shall be identified in administrative regulations issued by the Superintendent of Schools in order to implement this policy (see no. VI, below).

No complainant under this policy shall be discouraged by an employee or agent of the District from reporting an incident of alleged harassment. In the absence of a victim's complaint the Board, upon learning of or having reason to suspect the occurrence of any harassment, shall ensure that an investigation is commenced promptly by appropriate individuals.

VI. Regulations To Be Issued

The Superintendent shall develop and disseminate regulations that implement this policy. These regulations shall establish specific procedures on reporting, investigating allegations of harassment, and on remedying verified allegations of harassment. The procedures set forth in these regulations shall be consistent with any applicable provisions of existing Board of Education policies, with collective bargaining agreements between the District and its employee bargaining units, with the employment relation laws of New York State, and with federal and state laws pertaining to racial harassment and other forms of harassment.

VII. Publication of This Policy and Its Regulations

This policy, and implementing regulations thereof and such other information as the Superintendent shall determine to be age appropriate, informative and educational concerning racial harassment, other forms of harassment and the District's harassment complaint procedure shall be made available to the school community.

References

42 U.S.C. Secs. 2000d et seq. (Title VI, Civil Rights Act of 1964)

34 C.F.R. Part 100

Guidelines Issued by the Office of Civil Rights Regarding Investigations of Racial Incidents and Harassment Against Students at Educational Institutions, N.Y.S. Education Dept., August 1994.