

**WASHINGTON-SARATOGA-WARREN-HAMILTON-ESSEX
BOARD OF COOPERATIVE EDUCATIONAL SERVICES**

ADMINISTRATIVE REGULATION

COMPLAINTS CONCERNING SCHOOL PERSONNEL AND/OR STUDENTS

General complaints or inquiries concerning school personnel shall be referred to the division to which the matter pertains.

Normally, such complaints or inquiries shall be referred to the immediate supervisor or principal who will make initial inquiries and investigations, and if unable to resolve the matter satisfactorily shall refer the matter to the next appropriate level. If necessary the matter will be referred through successive levels of authority to the District Superintendent of Schools.

All administrators will process such complaints in a thorough and expeditious manner.

Complaints against personnel will be discussed by supervisors and principals only with superiors or with those persons directly involved in the matter except to the extent as needed to conduct a thorough investigation.

Discrimination or Harassment Complaints

Any type of discrimination or harassment allegedly occurring within the BOCES shall be investigated promptly, equitably and thoroughly by the appropriate official in accordance with BOCES policy, regulations and procedures. All reports of alleged discrimination or harassment will be held confidential to the extent possible consistent with the BOCES legal obligations in conducting a thorough investigation and/or taking appropriate disciplinary measures.

Refer to appropriate regulations and sample complaint form as noted below for specific guidelines to be utilized in the reporting, investigation and resolution of discrimination, general harassment or sexual harassment complaints.

Civil Rights Compliance Officer(s)

The Civil Rights Compliance Officers shall be appointed by the Board and shall be responsible for providing information, including complaint procedures, and for handling complaints for any student, parent, employee, employment applicant or community member as noted below:

The Washington-Saratoga-Warren-Hamilton-Essex BOCES does not discriminate in its programs and activities, including employment and admission as applicable, on the basis of actual or perceived race, color, creed, sex, sexual orientation, national origin, religion, age, economic status, marital status, veterans' status, political affiliation, domestic victim status, use of a guide dog, hearing dog or service dog, disability, or other classifications protected under federal or state law, and provides equal access to the Boy Scouts and other designated youth groups. The designated district compliance officers will coordinate compliance with the nondiscrimination requirements of Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, the Americans with Disabilities Act of 1990, as amended, the Boy Scouts of America Equal Access Act, and the New York State Human Rights Law. The BOCES Compliance Officers are: Turina Parker and Ronald Black, Washington-Saratoga-Warren-Hamilton-Essex BOCES, [1153 Burgoyne Avenue, Suite 2, Fort Edward, NY 12828](#), phone: (518) 746-3310, email: tuparker@wswebooces.org or rblack@wswebooces.org. Complaints may also be filed with the Office for Civil Rights, New York Office, U.S. Department of Education, [32 Old Slip, 26th Floor, New York, NY 10005](#)- 2500, phone (646) 428-3800, fax (646) 428-3843, [email:OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

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 Revised: 2/26/18
 Revised: 7/17/18

NON-DISCRIMINATION AND ANTI-HARASSMENT COMPLAINT PROCEDURES

<u>Responsibility</u>	<u>Action</u>
Complainant (Employee/Student)	1) Notifies his/her *immediate supervisor or principal on the complaint form provided by the BOCES. (In the case of a potential employee/ student, he/she shall immediately notify the BOCES Compliance Officer.) May request and use the BOCES Sample Complaint Form (attached).
Supervisor/Principal *	2) a. Within twenty (20) days after receipt of the complaint, corrects the situation stated in the complaint if he/she finds the complaint valid and if such action is within his/her scope of authority. b. Notes on the complaint form the action taken.
Complainant	3) If the complaint has not been resolved to his/her satisfaction may file a formal complaint with the Compliance Officer within twenty (20) days of the decision of the supervisor or principal on the form provided by the BOCES.
Compliance Officer/Designee *	4) a. Reviews the file and, if necessary, conducts his/her own investigation. b. Makes decision in writing within twenty (20) days from receipt of the complaint, or notifies the complainant that more time will be needed for further investigation before rendering a decision. c. Notifies the District Superintendent of his/her recommendations for review and/or implementation.
District Superintendent	5) a. Issues a finding as to whether discrimination has occurred. b. If corrective action is deemed necessary, follows all applicable law and regulations and appropriate collective bargaining agreements in implementing such action.

*If the investigating official is the alleged source of discrimination, then the complainant shall report his/her complaint to the next level of supervisory authority.

Responsibility

Action

Complainant

- 6)
 - a. Receives a copy of any and all reports issued by the District Superintendent pertaining to the investigation/outcome of the formal complaint.
 - b. If satisfied with the resolution, so indicates in writing.
 - c. If not satisfied, may appeal to the District Superintendent or may take appropriate legal action in accordance with state and federal law.
 - d. If still not resolved at the District Superintendent's level, may appeal to the Board of Education or may take appropriate legal action in accordance with state and federal law.

Board of Education

- 7) If complainant files an appeal, conducts a hearing and issues a written response to the complainant.

WASHINGTON-SARATOGA-WARREN-HAMILTON-ESSEX (WSWHE) BOCES

COMPLAINT FORM

The Board of Education of the Washington-Saratoga-Warren-Hamilton-Essex BOCES is committed to providing an environment which is free from all forms of discrimination and/or harassment. All persons are to be treated with respect and dignity. Discrimination or harassment by any person, male or female, student or non-student, which creates an intimidating, hostile, or offensive environment, will not be tolerated under any circumstances. This form is to be filed as part of the formal procedure in order to initiate a complaint of alleged discrimination or harassment prohibited by the WSWHE BOCES policies #5005 – School Conduct and Discipline; #5165 -- Non-Discrimination and Anti-Harassment in the BOCES; and #2090 -- Use of School Facilities.

Name of Complainant: _____ Date: _____

Address: _____

Home Phone: _____ Cell: _____ Work: _____
(please circle the number you'd prefer us to call)

Position: _____ Building Location: _____

The complainant is (check all that apply):

- An employee
- A student, grade _____ at _____ (school/location)
- A parent or community member
- Other (please specify your relationship with or association to the BOCES):

Basis of this complaint/grievance:

- Race, color, creed, national origin/ethnicity
- Sex, gender, sexual orientation, sexual harassment, other harassment
- Disability Marital status Age
- Military/veteran status Religion
- Other/Not sure (please briefly explain):

Date, time and place of violation(s): _____

Name and/or description of accused person(s): _____

Description of incident of alleged discrimination and/or harassment. Provide as much detail as possible, including what, if any verbal statements were made, what, if any physical contact was involved, what you did to avoid the situation, and your reason for concluding that it is/was discriminatory or harassing:

Description of incident of alleged discrimination and/or harassment (cont'd): _____

(If additional space is needed, please attach additional pages)

Witnesses, if any, or others who should be contacted with knowledge important to this investigation, including contact information for each: _____

Others you may have discussed this complaint/grievance/incident with including contact information for each:

Has this incident/discrimination been previously reported: ___ Yes ___ No If yes, when and to whom?

Remedy sought by complainant: _____

Signature of Complainant

Date

Received by: _____

Date

Please send completed form to the Compliance Officers as noted in the compliance statement below.

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(This form is to be used for all complaints within the WSWHE BOCES, including incidents of alleged discrimination or harassment)