

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

ADMINISTRATIVE REGULATION

COMPLAINTS CONCERNING DISCRIMINATION OR HARASSMENT of STUDENTS

General Complaints or Inquiries

General complaints or inquiries concerning school matters 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 who, if they are 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 and/or Board of Education.

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

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 and 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 Civil Rights 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@swhebooces.org or rblack@swhebooces.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

Non-Discrimination and Anti-Harassment Complaint Procedures

<u>Responsibility</u>	<u>Action</u>
Complainant (Employee/Student)	1) Notify his/her immediate supervisor/principal, or the Compliance Officer(s), on the complaint form provided by the BOCES.* (In the case of a potential employee/student, the potential employee/student shall immediately notify a BOCES Compliance Officer.) May request and use the BOCES Sample Complaint Form (attached).
Supervisor/Principal [*]	2) If the Complaint claims or involves discrimination or harassment, notify the Compliance Officer(s) immediately and await direction from the Compliance Officer. If the complaint does not involve discrimination or harassment, or if directed by the Compliance Officer, <ol style="list-style-type: none"> a. Investigate the complaint b. Within twenty (20) days after receipt of the complaint, correct the situation stated in the complaint if he/she finds the complaint is valid and if such action is within his/her scope of authority. c. Note on the complaint form the action taken. d. Take such other action as directed by the Compliance Officer(s).
Complainant	3) If the complaint has not been resolved to his/her satisfaction, may file a formal complaint with the Compliance Officer(s) within twenty (20) days of the decision of the supervisor/principal on the form provided by the BOCES.
Civil Rights Compliance Officer(s) or Designee(s) [*]	4) <ol style="list-style-type: none"> a. Review the file and, if necessary, conduct his/her own investigation. b. Make a decision in writing within twenty (20) days from receipt of the complaint, or notify the complainant that more time is needed for further investigation before rendering a decision. c. Provide the complainant with written notice of the decision. d. Notify the District Superintendent of any recommendations for corrective action and/or implementation.
Complainant	5) If the complaint has not been resolved to his/her satisfaction, may file a written appeal to the District Superintendent within twenty (20) days of the decision of the Compliance Officer(s).
District Superintendent	6) <ol style="list-style-type: none"> a. Review the determination of the Compliance Officer(s). Take such further action, if any, as the District Superintendent decides is necessary to review the appeal. Within thirty (30) days of receipt of the appeal, issue a written determination in response to the appeal or notify the complainant

that additional time is needed to review the appeal.

- b. If corrective action is deemed necessary, follows all applicable law and regulations and appropriate collective bargaining agreements in implementing such action.

Complainant

- 7) If the complaint has not been resolved to his/her satisfaction, may file a written appeal to the Board of Education within twenty (20) days of the decision of the District Superintendent.

Board of Education

- 8) Take such further action, if any, as the Board decides is necessary to review the matter. Within thirty (30) days of receipt of the appeal, issue a written determination in response to the appeal or notify the complainant that additional time is needed to review the appeal.

*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.

Approved/Revised: 10/5/12

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