

NEW PALTZ CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION SPECIAL MEETING

March 6, 2019

5:30 PM - Executive Session Subject to Board Approval

6:00 PM - District Office

1. CALL MEETING TO ORDER/ROLL CALL
2. PLEDGE TO THE FLAG
3. AGENDA CHANGES
4. PUBLIC COMMENTS

Speakers are asked to please limit their comments to two minutes in order to ensure everyone has a chance to speak. Public comments are not meant to be a dialogue, rather a time for the board to hear comments from the public.

5. MINUTES OF MEETING

Recommendation - that the New Paltz Central Schools Board of Education accept the minutes of the Business Meeting of February 27, 2019.

6. PERSONNEL (CONSENT AGENDA)

6.1 Create New Position – Administrative-Interim-Correcting Resolution

BE IT RESOLVED, that the New Paltz Central School District Board of Education, upon the recommendation of Maria C. Rice, Superintendent of Schools, does hereby approve the creation of the following position:

Title	Effective Date
Interim Elementary Principal	03/08/2019

7. NEW BUSINESS

7.1 First Reading of Policy 6211 Recruitment and Hiring

~~2008~~ 2019 6211

Personnel

SUBJECT: RECRUITMENT

~~It is the policy of the Board that recruitment efforts be designed to promote applications by diverse individuals and those efforts be reviewed annually with the Board of Education. The Board of Education will attempt to attract, secure, and hold qualified personnel for all positions.~~

The Board of Education recognizes the importance of, and affirmatively seeks to recruit, employ and retain, diverse, highly-qualified and well-prepared personnel in all capacities. Recruitment refers to the overall process of attracting, selecting, and appointing individuals who actively promote the highest levels of achievement and well-being for every student, utilizing a process that demonstrably promotes racial equity.

The criteria to be used in evaluating candidates should include, but not be limited to: applicable certification or license, high academic achievement, [1] capacity to facilitate learning, appropriate and [2] applicable work experience, strong [3] professional recommendations, and a demonstrated [4] commitment to social/emotional development, racial equity, cultural proficiency, and inclusivity. Experience in crisis intervention and de-escalation, as well as trauma-informed and restorative practices, must also be considered as vital to the district [5] will be viewed as assets to the District. It is the obligation of the Superintendent of Schools to recommend the most highly-qualified candidate.

Recruiting procedures shall enable the District to seek qualified candidates from a variety of sources, including present staff. Any current employee of the District may apply for any position for which he/she meets stated requirements.

It ~~is will~~ be the duty of the Superintendent of Schools to see that persons recommended for employment in the schools meet all requirements of the Board for the type of position for which the nomination is made. ~~The Superintendent, in consultation with school community stakeholders, will develop recruitment and hiring regulations that include procedures for recruitment, screening applications, selecting and interviewing candidates, and rating candidate qualifications for the position. The regulations must demonstrably promote equity. Demonstrable efforts to advance equity would include the following:~~

- ~~the specific methodology utilized to recruit and attract diverse applicants~~
- ~~the collection and reporting of data pertaining [6] to the number of applications received and the demographic characteristics [7] provided by the applicants~~
- ~~the specific criteria used [8] guidelines consulted to select applicants for interview as well as self-reported demographic characteristics of candidates interviewed [9]~~
- ~~a the process for the selection of a search and interview committees that represents a diverse cross-section of staff and stakeholders from the community and student body. Historically and demographically Under-represented groups are to should have equal-guaranteed opportunity opportunities to serve on search and interview committees, and affirmative efforts should be made to ensure participation. These efforts must be included in the recruitment and hiring procedure.~~
- ~~the process for evaluating the efficacy of all recruitment and hiring procedures in promoting racial equity and recruiting diverse and highly qualified applicants diversifying staff.~~
- Recruitment efforts designed to attract diverse applicants

~~This recruitment and hiring policy, and recruitment and hiring procedures must [10] shall be reviewed and approved [11] annually by the Board of Education. To facilitate the Board's review, the Superintendent shall include relevant reports and data at least annually to the Board of Education [12]. The data from searches should be included as a metric in the annual District Equity Report Card. The review must include an analysis of the efficacy of the current policy and procedures in terms of attracting and recruiting diverse applicants.~~

While the Board may accept or reject a recommendation, an appointment will be valid only if made with the recommendation of the Superintendent. In the case of a rejection, it is the duty of the Superintendent to make another recommendation. No person shall be considered employed until a resolution to that effect has been approved by the Board.

~~The Superintendent will develop and implement District wide administrative practices for selecting and hiring personnel. It is the obligation of the Superintendent of Schools to recommend the most highly qualified candidates.~~

The Superintendent has the authority to employ the recommended candidate as a provisional substitute pending Board approval of his/her probationary appointment at the very next Board meeting.

The New Paltz Central School District is an equal opportunity employer.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621
Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq.
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000d et seq.
Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Civil Rights Law Section 40-c
Education Law Section 3012
Executive Law Section 290 et seq.
Military Law Sections 242 and 243

Adopted: 7/16/08
Revised: XX/XX/2019

8. OLD BUSINESS

8.1 Second Reading of Policy 1410 Policy on Policies

2008-2019

1410
1 of 3

By-Laws

SUBJECT: POLICY ON POLICIES

The Board of Education recognizes that the development and adoption of written policies constitutes the basic method by which the Board exercises its ~~oversight~~leadership in the operation of the School District. The Board will concern itself primarily with broad questions of policy rather than with administrative details. The Board delegates to the Superintendent of Schools the responsibility and authority to establish rules, regulations, and ~~for~~ procedures necessary to implement its policies.

Proposals for new policies, changes in, or repeal of existing policies shall be presented to the School District, in writing, with a brief description of the proposal and why it is ~~necessary~~needed. Proposals from school officials, employees, and students shall be submitted to the Superintendent. Proposals from Board members, parents, and community members shall be submitted to the Board of Education. [13]

[14]

The Board of Education shall ~~maintain~~establish ~~annually~~ [15] a standing Policy Committee which shall be chaired by a Board member [16] ~~Member of the Board~~ and shall consist of a maximum of three Board ~~m~~mMembers and the Superintendent of Schools or designee [17] [18] [19]. The Policy Committee shall review and evaluate proposed policies and changes to existing policies, including researching and analyzing the proposals for necessity, effectiveness, legality, clarity, and cost.

a) The Policy Committee shall:

1. Present each proposal that is being reviewed or considered to the Board, in public session, so that interested persons may ~~react and~~ submit comments and suggestions to the Clerk of the Board for referral to the Policy Committee;
2. Refer proposed policies and amendments to policies to the District's attorney, as needed, who shall examine the proposals for legal implications and report the findings to the Policy Committee;
3. Refer proposals, as appropriate, to the Superintendent, ~~and~~ appropriate staff members, or other Board committees for review and comment. The Superintendent or designee shall report the findings to the Policy Committee;
4. Complete the review process in a timely fashion.

b) After the review process has been completed, policy proposals shall be revised or redrafted, as needed, and referred to the Clerk of the Board for placement on the calendar for a ~~f~~First ~~r~~Readings at the next business meeting of the Board of Education.

c) Board discussion and recommendations for revisions may be made at the ~~f~~First ~~r~~Readings and after any approved revisions have been made, the proposal will be placed on the calendar for a ~~s~~Second and ~~f~~Final Reading no sooner than the next business meeting of the Board of Education. The Board may discuss, revise, if necessary, and adopt the proposal or refer the proposal to the Policy Committee for further study.

While proposed policies and amendments will generally have two readings, policies may be adopted, amended or repealed at a single Board meeting if where the Board deems it ~~urgent necessary~~ to do so and the members of the Policy Committee are in agreement. [20]

Policies will be adopted, changed, or repealed by a majority vote of the ~~entire~~ Board, which vote shall be recorded in the Board minutes. Only those written statements so adopted and so recorded shall be regarded as official Board policy.

The Board ~~may~~, by majority vote, may suspend the operation of any policy provided the suspension does not conflict with law.

Dissemination

The Clerk of the Board shall place a copy of the Board Policy Manual in each school building the District Clerk's office and on the District Website to ensure that District policies are available to the public. The Clerk shall maintain a list of policy manual holders and shall forward hole punched copies of all newly adopted or amended policies to all holders of policy manuals. The Clerk shall also ensure that the policy manual on the website is updated as necessary, and as policies are approved by the board they are appropriately disseminated appropriately. -as appropriate. [21]

[22]
At the beginning of each Board member's term, the Clerk of the Board shall issue to him/her a Policy Manual. The Board member shall be responsible to maintain the manual for the duration of said term.

All Policy Manuals distributed are the property of the Board, and considered on loan to the person or organization to whom distributed. Policy Manuals shall be updated periodically and may be subject to recall at any time for such purpose.

In an effort to keep its written policies updated so that they may be used as a reliable basis for Board action and administrative decision, the Board directs the Clerk of the Board to biannually recall all copies of the policy manual for review and updating and to check for their uniformity, completeness, and condition.

The Clerk of the Board shall be responsible for ensuring that a copy version of an up-to-date the most current Policy Manual is present at all Board meetings.

Implementation

The Board delegates to the Superintendent of Schools the responsibility and authority to establish all rules, regulations, and/or procedures necessary to implement Board policy.

The Superintendent shall ensure that personnel are familiar with Board policies and the their implementing administrative regulations which affect their employment, directly or indirectly. The Board requires that all administrative employees read and familiarize themselves annually with the policy manual or appropriate sections thereof, as determined by the Superintendent of Schools.

The Board of Education generally does not adopt regulations for the implementation of policy unless specifically required to do so. Regulations officially approved by the Board shall include a notation indicating Board approval. The Superintendent shall be directed to revise any regulations determined to be inconsistent with the policies adopted by the Board.

The Board retains the right to approve waivers to policy upon the recommendations of the Superintendent. *[For discussion: in what instance would this be necessary? -KP]*

In cases where emergency action must be taken and where the Board has no guide for administrative action, the Superintendent shall have the power to act. The Superintendent shall inform the Board promptly of such emergency action and the need for policy.

Review and Evaluation

In order to evaluate the implementation of Board policies and to measure their effectiveness, the Board may rely on the school staff, students, and community to provide evidence of the effects of the policies or evidence of a failure to implement a policy as written [23] it has adopted. Information and comments may be submitted to the Superintendent, the Board, or the Policy Committee. [24]

In addition, the Superintendent is instructed to call to the attention of the Board any policy that is outdated or appears to need revision for other reasons, including changes in State and Federal laws and regulation.

Execution of Policy: Administrative Regulation

The Board shall delegate to the Superintendent the function of specifying required actions and designing the detailed arrangements under which the schools will be operated. These rules and these detailed arrangements shall constitute the administrative regulations governing the schools. They must in every respect be consistent with the policies adopted by the Board. The Board shall be kept informed periodically of changes in administrative regulations.

8.2 Second Reading of NEW Policy 7550: Student Sexual Harassment

2019 7550
1 of 3

Students

SUBJECT: STUDENT SEXUAL HARASSMENT

Introduction

The New Paltz Central School District is committed to providing an educational environment that models equity, inclusion, and the respectful exchange of ideas. The District recognizes that the creation or application of standards that adversely impact the equity of educational opportunities, rights, or benefits is detrimental to its vision. Therefore, in compliance with federal and state laws, harassment and discrimination based on sex, gender, pregnancy, gender identity, sexual orientation, or domestic violence victim status is prohibited. Fostering a dynamic learning environment is the responsibility of every member of the school community. We must engage in behavior and decisions that comply with both the letter and spirit of the law.

The reporting and complaint procedure for the review of allegations of unlawful or unwelcome harassment, discrimination, and sexual violence provides a mechanism through which the District may identify, respond to, and prevent conduct of this kind. The District recognizes and accepts its responsibility in this regard and believes that the establishment of this internal, non-adversarial complaint process will benefit student, faculty, staff and administration, permitting equitable investigation and resolution of concerns that are brought forth.

It is District policy to prohibit sexual harassment and student gender discrimination in the schools, at school activities, and at events sponsored by the District. To that end, all ~~officers, supervisory personnel, employees, and~~ students of the District shall be given a copy of this policy and education training regarding its terms, procedures, protections and penalties.

Policy Provisions:

1. This policy applies to all students, employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the New Paltz Central School District. In the remainder of this document, the term “students and employees” refers to this collective group.

2. Any student, employee, or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial or disciplinary action (e.g., counseling, suspension, termination).

3. Retaliation prohibition: No person covered by this policy shall be subject to adverse action because the student or employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any District student or employee who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action. All students, employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a teacher, colleague, administrator, or Title IX Officer. All students, employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

4. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Students and employees of

every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

5. The District will conduct a prompt and thorough investigation that ensures due process for all parties, whenever the District receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All students and employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

6. All students and employees are encouraged to report any harassment or behaviors that violate this policy. The District will provide all students and employees a complaint form to report harassment and file complaints.

7. Staff are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the District's Title IX Officer or District administration.

8. This policy applies to all students, employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all students and employees and should be posted prominently in all District buildings to the extent practicable and be provided to students and employees upon entering the District.

Prohibited Conduct

The two forms of prohibited conduct below cover both sex-based harassment, including but not limited to sexual harassment, sexual assault, and sexual exploitation, as well as harassment based on gender identity, gender expression, and nonconformity with gender stereotypes. Definitions for italicized terms in the two provisions are offered in the next section. In addition, in the definitions, terms that are further defined are also italicized.

1. No person may engage in *sex-based harassment* that creates a *hostile environment* in or under any program or activity of this District.
2. No person may condition a decision or benefit on a student's submission to *sex-based harassment* (regardless of whether the student resists and suffers the threatened harm or submits and avoids the threatened harm).

Definitions^[25]

A. Sex-Based Harassment

"Sex-based harassment" includes *sexual harassment* and *gender-based harassment*.

B. Sexual Harassment

"Sexual harassment" is *unwelcome conduct* of a sexual nature, including but not limited to *unwelcome sexual advances*; *requests for sexual favors*; or other verbal or nonverbal conduct of a sexual nature, including *rape*, *sexual assault*, and *sexual exploitation*. In addition, depending on the facts, *dating violence*, *domestic violence*, and *stalking* may also be forms of sexual harassment.

C. Gender-Based Harassment

"Gender-based harassment" is *unwelcome conduct* of a *nonsexual nature* based on a student's *actual or perceived sex*, including conduct based on *gender identity*, *gender expression*, and *nonconformity with gender stereotypes*.

D. Unwelcome Conduct

Conduct is considered “unwelcome” if the student did not request or invite it and considered the conduct to be undesirable or offensive.

Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.

Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a student may have welcomed some conduct does not necessarily mean that a student welcomed other conduct. Also, the fact that a student requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

E. Hostile Environment

A “hostile environment” exists when *sex-based harassment* is sufficiently serious to deny or limit the student’s ability to participate in or benefit from the District’s programs or activities.

A hostile environment can be created by anyone involved in a District’s program or activity (e.g., administrators, faculty members, students, and campus visitors).

In determining whether *sex-based harassment* has created a hostile environment, the District considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was *unwelcome* to the student who was harassed. But the District will also need to find that a reasonable person in the student’s position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for a student or students, the District considers a variety of factors related to the severity, persistence, or pervasiveness of the *sex-based harassment*, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more student’s education.

The more severe the *sex-based harassment*, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of *sexual assault* is sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the *sex-based harassment* is not particularly severe.

First Amendment Considerations:

This policy does not impair the exercise of rights protected under the First Amendment. The District’s sexual harassment policy prohibits only *sex-based harassment* that creates a hostile environment. In this and other ways, the College applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.

F. Sexual Assault

“Sexual assault” is actual or attempted sexual contact with another person without that person’s *consent*. Sexual assault includes, but is not limited to:

- Intentional touching of another person’s intimate parts without that person’s *consent*; or
- Other intentional sexual contact with another person without that person’s *consent*; or
- Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s *consent*; or

- Rape, which is penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

G. Consent

"Consent" must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

H. Sexual Exploitation

"Sexual exploitation" occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure; and,
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent.

Sexual harassment is defined as discrimination against a person on the basis of a different or the same sex because of their sex or gender identity, which creates a sexually hostile learning or school environment.

Sexual harassment that creates a hostile learning or school environment is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media, or jokes.

The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant. Isolated instances, e.g., a sexual comment or joke, ordinarily will not constitute sexual harassment unless the circumstances are egregious. Sexual violence is seen as an egregious form of harassment. Such sexual behavior does not constitute harassment if it is welcomed (i.e., voluntary and consensual). It is important to note that conduct in the educational setting may fall short of the legal standard for sexual harassment or discrimination but may still be addressed, at the discretion of the District, as uncivil or inappropriate.

Gender discrimination is defined as pervasive and/or severe conduct intended to intimidate, or demean, or dominate a person on the basis of their gender identity or persons of the other gender [26] or that which adversely treats a person of the other gender differently [27] in the learning environment work place on the basis because of their gender identity or gender presentation.

Examples of sexual harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another student's body or poking another student's body;
 - Rape, sexual battery, molestation, or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile learning environment.
- Sex stereotyping 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.
- Sexual or discriminatory displays or publications anywhere in the school environment, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on computers or cell phones and sharing such displays while in the learning environment or via communication networks.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 - Interfering with the student's ability to perform within the school environment;
 - Sabotaging an student's work;
 - Bullying, yelling, name-calling.

Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects students, employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services for the District. Harassers can be a fellow student or anyone in the workplace including an independent contractor, contract worker, vendor, client, guardian, or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to District buildings. It can occur while students or employees are traveling for extracurricular activities or at District sponsored events. Calls, texts, emails, and social media usage by student or employees can constitute unlawful harassment, even if they occur away from the District premises, on personal devices, or during non-school hours.

Retaliation

Unlawful retaliation can be any action that could discourage a student or employee from coming forward to make or support a sexual harassment claim. Adverse action need not occur on District property to constitute unlawful retaliation (e.g., threats of physical violence outside of school hours).

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:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a school official of harassment;

- reported that another student or employee has been sexually harassed; or
- encouraged a fellow student or 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 Sexual Harassment [28]

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any student who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a teacher, administrator, or other District employee. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to the District's Title IX Officer, manager or other District Administrator.

Reports of sexual harassment may be made verbally or in writing. Students may report sexual harassment on behalf of other students. District staff must report any sexual harassment they observe, even if the victim requests that it not be reported.[29] District staff will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Students, employees, paid or unpaid interns, or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Responsibility of District Officials and Staff

All District officials and staff 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 Title IX Officer or other District administrator.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, District officials and staff will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

District officials and staff will also be subject to discipline for engaging in any retaliation.

Procedure

Any student who believes that they have been subjected to sexual harassment or gender discrimination by an officer, employee, student, parent, chaperone, guest, or visitor/business invitee is encouraged to address the matter with any District Title IX Officer* who shall promptly conduct an intake interview and explain the following options for resolution:

1. Registering an informal complaint verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging in mediation* to arrive at a resolution of the matter; or
4. Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

*Mediation is never appropriate in cases of sexual assault.[30]

The Title IX Officer shall not recommend, coerce, or otherwise encourage the student complainant to choose a specific pathway unless the complainant affirmatively requests such counsel.

The Title IX Officer shall be authorized to proceed with a matter raised in number 4 as if it had been filed as an informal complaint or a formal complaint at their discretion.

The intake Title IX Officer will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Informal and Formal Complaints

All complaints shall be received in writing or reduced to writing by an intake Title IX Officer, who shall personally, or by referral to the Title IX Officer, or a person of authority, conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, which may include:

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint if the subject is an employee; or if the subject is a student.
3. That disciplinary action has been taken, or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.
4. Persons of authority include Assistant Principal, Building Principal, Deputy Superintendent, Assistant Superintendent, the Board of Education, or Board-approved investigator(s).

The Investigatory Process

The District's formal investigation procedures are not designed to replicate an external judicial process. The investigatory process is guided by the need to balance the remedy of unlawful discrimination and harassment with principles of equity, due process, and confidentiality. Accordingly, parties wishing to move beyond the consultation or informal resolution or who chose to engage only a formal complaint process are advised of the following:

Complainants and Respondents are expected to meet with the Title IX Officer as requested and needed. Both the complainant and the respondent are entitled to due process, including knowledge of the specific allegation(s) against them and an opportunity to respond.

The complainant will be asked to provide information regarding the offending incident(s) or behavior(s) and the alleged actor(s).

Both parties will have an equal opportunity to provide evidence and information on witnesses and others who may aid in the investigation or who may also be aggrieved by the offending incident or behavior.

Complainants, respondents and third party witnesses are protected against retaliation for filing complaints of discrimination or participating in an investigation. If a party feels that any negative action has been taken as a result of filing a complaint or participating in a complaint investigation, this allegation will be investigated separately.

The standard applied to this process is a preponderance of the evidence and no presumption of wrongdoing will be made. Preponderance of the evidence is defined as that amount of evidence which demonstrates that it is more likely than not that the conduct occurred.

In conducting a complaint investigation, relevant laws, policies and procedures, documentation, and information obtained from the complainant(s), respondent(s), and witnesses will be considered.

Complainants, respondents, and witnesses will be advised of internal and external support resources, including immediate measures during the District's investigation, which may include but are not limited to:

Notifying the complainant of options to avoid contact with the subject(s) of the complaint, including altering academic or extracurricular situations as appropriate. While the District seeks to minimize disruption to all involved parties, special care will be taken to minimize disruptions and maximize comfort for the complainant.

Providing an escort for a party to move safely around campus.

Offering and providing services to students, including counseling, medical services, and academic services such as counseling.

Educating both parties about the prohibition against retaliation from each other and third parties.

Legal counsel retained by a complainant, respondent or witness may not participate or be present at any meeting convened in connection with a consultation or internal complaint.

Complainants, respondents, or witnesses are expected to communicate directly with the Title IX Officer or designee. Any party to the investigation may choose to be accompanied by another person for moral support. However, these individuals may not participate in the process and must maintain confidentiality so as to not impede or interfere with the investigator's ability to obtain necessary information.

The timeframe for concluding the complaint process will depend upon the complexity of the investigation, timing of the reporting, availability of witnesses, etc. However, this should not exceed thirty (30) school days absent good cause or mutual agreement by the parties. This timeframe can be extended, in the event that equity of process and/or due process is best served by the additional time. The need for an extension of time will be communicated and acknowledged in writing to the parties.

The complainant will be advised of the option to file a complaint with appropriate external Federal/State investigative agencies at any time.

The complainant and respondent will both receive notice of the outcome of the investigation.

The District will disclose to the complainant the sanctions, if any, imposed on the subject of the complaint[31].

The following are potential outcomes of a formal complaint investigation. This is not an exhaustive list of outcomes as each matter is unique and is reviewed in the context of applicable laws and policies and within the standard of preponderance of the evidence presented.

- The matter is able to be resolved by the parties and there are no other issues requiring Title IX Officer involvement (this option is not appropriate for sexual violence complaints, as provided by OCR guidelines).
- The complainant elects to withdraw the complaint and/or requests that there be no further investigation, and there are no other factors which require continuation of the investigation.
- There is insufficient evidence to support a finding of a violation of the District's policies against discrimination and/or harassment.
- There is sufficient evidence for the Title IX Officer to recommend appropriate action, including referral of the matter through the Code of Conduct.

Available Interim Measures[32]

Interim measures are those services, accommodations, or other assistance that the District puts in place for victims after receiving notice of alleged sexual misconduct but before any final outcomes— investigatory, disciplinary, or remedial – have been determined. We want students to be safe, to receive appropriate medical attention, and to get the help they need to heal and to continue to access their educational opportunities. We also want students to understand their reporting options and how to access available interim measures. The District encourages victims of sexual misconduct to report those incidents to the District's Title IX Officer or any responsible employee with whom the victim feels comfortable. The District recognizes that sexual violence is traumatic and may leave victims feeling overwhelmed and confused. This policy seeks to provide clear guidance regarding available resources and who can help in securing them.

Upon receiving a report of sexual misconduct, the District will provide the victim, or the victim's counselor or advocate, with a written explanation of the interim measures available on campus and through local community resources and shall ask victims, or their counselors or advocates, what measures are sought. Some possible interim measures are listed below, and the District determines which measures are appropriate for a particular victim on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep victims safe and ensure their equal access to educational programs and activities. If the victim or advocate identifies an interim measure that is not already provided by the District, the District will consider whether the request can be granted. In those instances where interim measures affect both a victim and the alleged perpetrator, the District will minimize the burden on the victim wherever appropriate.

A victim of sexual misconduct, or the victim’s counselor or advocate, may request the interim measures listed below. The District – after consulting with the victim or the victim’s counselor or advocate – will determine which measures are appropriate to ensure the victim’s safety and equal access to educational programs and activities:

- Academic accommodations (for additional information, see below)
- Medical and mental health services, including counseling
- Change in locker and/or dining locations
- A “No contact” directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another
- Providing an escort to ensure that the student can move safely between school programs and activities
- Transportation accommodations
- Assistance identifying an advocate to help secure additional resources or assistance including off-campus and community advocacy, support, and services

The District will work with victims or their counselors or advocates to identify what interim measures are appropriate in the short term (e.g., during the pendency of an investigation or other school response), and will continue to work collaboratively throughout the District’s process and as needed thereafter to assess whether the instituted measures are effective, and if not, what additional or different measures are necessary to keep the victim safe.

As explained below, when a victim’s counselor or advocate requests any of the above measures on the victim’s behalf without disclosing that sexual misconduct is the basis for the request, the District will consider these requests for supportive measures consistent with its general policy of allowing counselors and advocates to seek such measures for victims of trauma without requiring that the nature of the trauma be disclosed.

Academic Accommodations

Academic accommodations are one type of interim measure that the District may provide to a victim after receiving notice of alleged sexual misconduct to ensure that the victim is safe and can continue to access educational opportunities following alleged sexual misconduct. To address the possible adverse effects of sexual misconduct on a victim’s academics, it may be possible to secure time-limited academic accommodations, such as rescheduling an exam. If the victim experiences persistent academic difficulties as a result of the sexual misconduct (e.g., including difficulties stemming from anxiety, depression, post traumatic stress disorder or any other mental or physical illnesses or injuries), the victim may request more long-term academic accommodations, such as a temporary leave of absence. If the victim does not have a treating provider but is suffering from health-related issues such as those identified above, the student should contact **[insert name and position of individual who can secure mental health services]** to be connected with an appropriate resource. Students may also be entitled to additional services and supports if they have a disability, including those who developed a disability as a result of experiencing sexual misconduct. In such a case the victim or victim’s counselor or advocate should contact the office of Pupil Personnel Services.

Victims of sexual misconduct, or the victim’s counselor or advocate, may request the following academic accommodations as interim measures. The District – after consulting with the victim or the victim’s counselor or advocate – will determine which accommodations are appropriate to ensure the student’s safety and equal access to educational programs and activities. Requests for academic accommodations may include assistance in:

- Rescheduling an academic assignment or test
- Accessing academic support (e.g., tutoring)
- Arranging for incompletes, a leave of absence, or withdrawal from school
- Preserving eligibility for academic, athletic, or other scholarships, financial aid, internships, study abroad, or foreign student visas

Options for Requesting Interim Measures or Supportive Measures

The District offers victims of sexual misconduct two options for reporting the misconduct and requesting interim measures required by Title IX. The first option allows the victim to report the misconduct to a District employee whom the District has designated as responsible for receiving and/or responding to reports of sexual misconduct and to request interim measures from these “responsible employees”.

The second option allows a victim who has not reported the misconduct to a responsible employee to disclose the misconduct to a professional counselor, non-professional counselor, or victim advocate who in turn can request interim measures on the victim’s behalf from the District. Under the second option, victims should be aware that when a counselor or advocate requests interim measures on their behalf from a responsible employee of the District and discloses that the reason for the request is sexual misconduct, the request may trigger the District’s Title IX obligation to investigate. To the extent the counselor or advocate makes such a disclosure, but, consistent with the victim’s wishes, asks that the College not investigate or otherwise notify the alleged perpetrator of the report, the Title IX Officer will consider whether it can honor the request while still providing a safe and nondiscriminatory environment for all students, as set forth in the District’s Confidentiality Policy, and take interim measures to protect the victim as necessary.

The District also offers victims an option for the victim’s counselor or advocate to request supportive measures from the District without reporting the sexual misconduct to the District. While we strongly encourage all victims of sexual misconduct to report the incident to the District directly, we want victims to have access to supportive measures regardless of when or whether they decide to report the conduct to the District.

Option 1: Victims Who Report Sexual Misconduct to a Responsible Employee

Reports of sexual misconduct to responsible employees will be forwarded to the Title IX Officer who will determine what steps need to be taken. Generally, the District will investigate the report to determine what occurred and the District will provide interim measures during the investigative process and any disciplinary process. However, for victims who report sexual misconduct to responsible employees but request that the District not pursue an investigation or otherwise keep their report confidential (e.g., from the perpetrator), the Title IX Officer will consider whether it can honor the victim’s request while still providing a safe and nondiscriminatory environment for all students. For more information on confidentiality, please see the [District’s Confidentiality Policy](#)[33]. Whether the Title IX Officer decides that the District can honor the confidentiality request or must pursue an investigation, the Title IX Officer (or designee) will inform the victim of available interim measures and coordinate appropriate interim measures for the victim.

Options 2 and 3: Victims Who Disclose Sexual Misconduct to Professional Counselors, Non-Professional Counselors, and Victim Advocates

The District recognizes that counselors and victim advocates are often in a unique position to know when and what interim measures or supportive measures would be most appropriate to address a victim’s health and safety needs. For this reason, victims who disclose incidents of sexual misconduct to their counselors or victim advocates should discuss whether to have the counselor or advocate report the misconduct to the District and request interim measures required by Title IX or request discretionary supportive measures from the District without reporting the nature of the conduct. The counselor or advocate will work with the victim to determine what information the victim is willing to have shared with District employees involved in securing interim measures or supportive measures. The counselor or advocate will explain how sharing certain information with responsible employees may trigger the District’s Title IX obligation to investigate.

Option 2. Interim Measures

A counselor or advocate may request that the District provide interim measures to a victim of sexual misconduct to protect the victim and ensure the victim’s equal access to the District’s educational programs and activities before the final outcome of any investigation. The counselor or advocate may ask a victim who is seeking interim measures to sign a release specifying the information that may be shared with the District. After the counselor or

advocate informs the District that sexual misconduct is the basis for the request for interim measures, the District will work with these individuals to investigate the alleged sexual misconduct and determine what interim measures are appropriate. For example, the counselor or advocate may ask the Title IX coordinator to arrange academic or living accommodations for the victim, or may ask faculty or housing personnel directly for such interim measures.

Option 3. Supportive Measures

A counselor or advocate may request that the District provide supportive measures for a student who has experienced trauma, including, but not limited to, trauma related to sexual misconduct. If a victim does not want the District to investigate the alleged sexual misconduct, the victim should discuss this with the counselor or advocate. Counselors and advocates should explain what type of requests will trigger the District's Title IX obligations and discuss other avenues for securing supportive measures consistent with the victim's wishes. For example, counselors and advocates may request supportive measures (e.g., changes to dining, classes, or transportation) from the District on behalf of a victim who does not want the District to pursue an investigation of the alleged sexual misconduct, and the District will consider these requests for supportive measures consistent with its general policy of providing supports to students who have experienced various forms of trauma without requiring their counselor or advocate to reveal the nature of the underlying trauma to the District.

The District encourages victims of sexual misconduct to report the incident(s) and to seek help under the option above with which they feel most comfortable. If you have any questions about available interim measures or supportive measures, please contact the District's Title IX Officer.

Options for Assistance Following an Incident of Sexual Misconduct

Immediate Assistance

Trained resources are available to provide an immediate response in a crisis situation (e.g., obtain needed resources, explain reporting options, and help navigate the reporting process).

District Resources:

1. A
2. B
3. C

Community Resources:

1. X
2. Y
3. Z

[Include contact information in above lists.]

Some of these resources have state or local mandatory reporting obligations that may impact their ability to maintain the student's or employee's complete confidentiality.

[Identify health care options, including options available in the local community.]

1. Ensure students and parents are aware of the options to seek treatment for injuries, preventive treatment for sexually transmitted diseases, and other health services.
2. Discuss the option of seeking medical treatment to preserve evidence.
3. Identify where/how to get a sexual assault medical forensic examination, which may be through a Sexual Assault Nurse Examiner (SANE), Sexual Assault Forensic Examiner (SAFE), or child advocacy center.
4. List locations, including contact information, for an advocate (e.g., a local rape crisis center) who can accompany a victim to the hospital or health provider.]

Ongoing Assistance

Counseling, aAdvocacy, and sSupport services are available for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the district's grievance process or the criminal process.

District Resources:

4. A
5. B
6. C

Community Resources:

4. X[34]
5. Y
6. Z

[Include contact information in above lists.]

Confidentiality

We understand how difficult it can be to come forward with a concern or claim. We encourage candid and honest participation in our process so that we can identify the correct course of action. The District will make every effort to keep the confidentiality of any person(s) reporting a claim or participating in the process. However, we cannot guarantee unqualified confidentiality as we must also balance the safety of other members in our community. If we determine that there is the threat of imminent harm to an individual or to the community, information may need to be shared and then only with appropriate individuals. Complainants will be advised if information pertaining to a claim is shared with individuals outside of the District's investigative process.

The District will instruct the parties and all others participating that the complaint investigation procedure is best able to achieve an equitable process when confidentiality is not breached. Once breached, it can make it difficult for the District to successfully conclude the investigation process. In addition, all parties to this process will be held to the non-retaliation policy.

The District's Title IX Officer, the Superintendent of Schools, and the Board of Education shall, to the maximum extent possible, maintain as confidential the transactions(s) underlying the proceedings or complaint, the outcome of a mediated agreement, and action taken, including formal discipline. The subject of the proceedings or complainant, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

Filing a complaint with an external agency

The internal reporting process does not preclude an individual from filing a complaint with the appropriate State or Federal agency or external law enforcement, and the complainant may file such a complaint at any time during the process. However, after filing with one of these outside enforcement agencies, or upon the initiation of litigation, the complaint shall be referred to the District's legal counsel for review and defense or, if deemed appropriate by counsel, involvement in mediation, conciliation or settlement with the external agency or such other actions as may be in the interests of the District, including termination of the internal procedure.

Responsibility

Anyone who receives a report or complaint of harassment, discrimination or sexual violence should contact the Title IX Officer.

Students should:

- Understand and refrain from behavior that violates this policy or otherwise creates a hostile environment for others. Remember that it is not the intent of the individual's behavior rather the perception of the individual that the behavior is hostile or discriminatory that gives rise to a claim under this policy.
- Keep a record of what occurred. Include direct quotes, witnesses, and patterns to the harassing behavior. Save any relevant cards, letters, screenshots, or e-mail messages, however harmless they may seem.
- Do not ignore the situation. Take action. Seek out the assistance of a trusted adult and/or report directly to the Title IX Officer.

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 internal process at the District, employees 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, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law 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 of the harassment. If an individual did not file at 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 your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

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

DHR will investigate your 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 your 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. You 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 antidiscrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 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 employee 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.

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.

Contact the 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.

Procedure

Any student who believes that they have been subjected to sexual harassment or gender discrimination by an officer, employee, student, parent, chaperone, guest, or visitor~~business invitee~~ is encouraged to address the matter with any District Title IX Officer* who shall promptly conduct an intake interview and explain the following options for resolution:

- ~~1-5.~~ Registering an informal complaint~~ment~~ verbally or in writing; or
- ~~2-6.~~ Registering a formal complaint verbally or in writing; or
- ~~3-7.~~ Engaging in mediation* to arrive at a resolution of the matter; or
- ~~4-8.~~ Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

*Mediation is never appropriate in cases of sexual assault.[35]

The Title IX Officer shall not recommend, coerce, or otherwise encourage the student complainant to choose a specific pathway unless the complainant affirmatively requests such counsel.

The Title IX Officer shall be authorized to proceed with a matter raised in number 4 as if it had been filed as an informal complaint or a formal complaint at their discretion.

The intake Title IX Officer will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

Informal and Formal Complaints

All complaints shall be received in writing or reduced to writing by an intake Title IX Officer, who shall personally, or by referral to the Title IX Officer, or a person of authority, conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, which may include:

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint if the subject is an employee; or if the subject is a student,
3. That disciplinary action has been taken, or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.
4. Persons of authority include the Assistant Principal, Building Principal, Deputy Superintendent, Assistant Superintendent, ~~the Board of Education~~, or Board-approved investigator(s).

~~(a)~~ **Potential Outcomes**

The following are potential outcomes of a formal complaint investigation. This is not an exhaustive list of outcomes as each matter is unique and is reviewed in the context of applicable laws and policies and within the standard of preponderance of the evidence presented.

- The matter is able to be resolved by the parties and there are no other issues requiring Title IX Officer involvement (this option is not appropriate for sexual violence complaints, as provided by OCR guidelines).
- The complainant elects to withdraw the complaint and/or requests that there be no further investigation, and there are no other factors which require continuation of the investigation.
- There is insufficient evidence to support a finding of a violation of the District's policies against discrimination and/or harassment.
- There is sufficient evidence for the Title IX Officer to recommend appropriate action, including referral of the matter through the Code of Conduct.

Alternates

The Board shall appoint one (1) Title IX Officer and several designated Title IX formal complaint investigators. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities.

Appeal of Formal Complaints

If a formal complaint has not been ~~resolved~~~~processed to conclusion~~~~a satisfactory disposition~~ by the Superintendent within thirty (30) school days, unless extended with the written consent of the complainant, the complainant ~~may~~~~must~~ appeal in writing to the Board to address the failure. The Board will then direct the Superintendent to conduct [36] and direct an expedited investigation with a report back to the Board within fifteen (15) school days.

~~A. Regarding matters that have been resolved timely investigated to conclusion,~~ an appeal to the Board may be taken by the complainant or the subject of the complaint within thirty (30) school days of being informed of the findings upon the allegations in the complaint.

Confidentiality

We understand how difficult it can be to come forward with a concern or claim. We encourage candid and honest participation in our process so that we can identify the correct course of action. The District will make every effort to keep the confidentiality of any person(s) reporting a claim or participating in the process. However, we cannot guarantee unqualified confidentiality as we must also balance the safety of other members in our community. If we determine that there is the threat of imminent harm to an individual or to the community, information may need to be shared and then only

with appropriate individuals. Complainants will be advised if information pertaining to a claim is shared with individuals outside of the District's investigative process.

The District will instruct the parties and all others participating that the complaint investigation procedure is best able to achieve an equitable process when confidentiality is not breached. Once breached, it can make it difficult for the District to successfully conclude the investigation process. In addition, all parties to this process will be held to the non-retaliation policy.

The District's Title IX Officer, the Superintendent of Schools, and the Board of Education shall, to the maximum extent possible, maintain as confidential the transactions(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, including formal discipline. The subject of the proceedings or complainant, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

Filing a complaint with an external agency

The internal reporting process does not preclude an individual from filing a complaint with the appropriate State or Federal agency or external law enforcement, and the complainant may file such a complaint at any time during the process. However, after filing with one of these outside enforcement agencies, or upon the initiation of litigation, the complaint shall be referred to the District's legal counsel for review and defense or, if deemed appropriate by counsel, involvement in mediation, conciliation or settlement with the external agency or such other actions as may be in the interests of the District, including termination of the internal procedure.

Responsibility

Anyone who receives a report or complaint of harassment, discrimination or sexual violence should contact the Title IX Officer.

Students should:

- Understand and refrain from behavior that violates this policy or otherwise creates a hostile environment for others. Remember that it is not the intent of the individual's behavior rather the perception of the individual that the behavior is hostile or discriminatory that gives rise to a claim under this policy.
- Keep a record of what occurred. Include direct quotes, witnesses, and patterns to the harassing behavior. Save any relevant notes-cards, letters, screenshots, or e-mail messages, however harmless they may seem.
- Do not ignore the situation. Take action. Seek out the assistance of a trusted adult and/or report directly to the Title IX Officer.

Consequences

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary. Students who violate this policy shall be subject to disciplinary or other corrective action.

Any complaint that is determined to have been processed maliciously or in bad faith shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

District Title IX Officer

Contact information may be found on the District website or by calling the Pupil Personnel Services Office at 845-256-4040.

†

Prevention and Education

a. Outline the district’s approach to prevention and education, including type and frequency of prevention programming and educational/outreach activities. This may include:

- i. a discussion of the district’s efforts to educate students and parents about the district’s sexual misconduct policies, grievance procedures and mandated reporting laws.
- ii. information regarding the district’s programs to provide age-appropriate education to students, including students with intellectual or other disabilities and with limited English proficiency, about, as appropriate, social and relationship boundaries and how to recognize and report sexual misconduct.
- i-iii. a discussion of school climate measurements, which involves a comprehensive assessment of student engagement, school safety, and the learning environment. By including sexual misconduct as a component of the measurement, educators will have access to the necessary data to identify school needs, set goals, and track progress toward improvement.

9. Training

- Outline how employees are trained on the district’s sexual misconduct policy.
- grievance procedures for students and employees, and related issues.
- Explain how the Title IX coordinator, school resource officers, responsible employees, and anyone else who is involved in responding to, investigating, or adjudicating sexual misconduct will receive adequate training.

8.3 Second Reading of Policy 1510: Board of Education Meetings

2013 2019

1510
1 of 5

By-Laws

SUBJECT: BOARD OF EDUCATION MEETINGS

Board meetings shall be open to the public and conducted in accordance with Article 7 of the Public Officers Law, known as the "Open Meetings Law" and other applicable statutes.

Regular Meetings

The Board of Education shall meet at least one time each month for the purpose of conducting the business of the District. The dates and times of the regular monthly meetings will be established at the annual organizational meeting, but subject to change by the Board as necessary.

Special Meetings

~~Special meetings of the Board may be called on at least 24 hours notice to all Board members at the direction of the Board President or upon the request of any Board member.~~

Any member of the Board may call for a special meeting. A reasonable and good-faith effort will be made by the Superintendent or the Board President, as the case may be, to give every member of the Board ~~twenty-four (24)~~ 24 -hours' notice of the time, place, and purpose of the meeting. In an emergency, however, the members may waive the ~~twenty-four (24)~~-hour notice requirement.

All special meetings will be held at a regular meeting place of the Board and in accordance with all applicable provisions of the Open Meetings Law. Public notice of the time and place will be given, ~~to the extent practicable, [37]~~ to the news media, and it will be conspicuously posted in one or more designated public locations at a reasonable time before the meeting.

Board Retreats

The Board of Education may hold Board development retreats where no School District business is conducted. These retreats are exempt from the requirements of the open meeting rule. (NYS Department of State, Committee on Open Government, OML-AO-#1973, September 13, 1991.)

Notice of Meetings

Notice of meetings scheduled at least one week in advance shall be given to all members of the Board, the Superintendent of Schools and news media, as well as conspicuously posted in one or more designated public places at least seventy-two (72) hours prior to the meeting. When meetings are scheduled less than one week in advance, the Board shall provide public notice to the extent practicable.

Agenda Setting

The Superintendent and the Board President and/or Vice President, will prepare the agenda for each Board meeting. The order of business will be constructed to help the Board accomplish its business expeditiously.

Items of business may be suggested by Board members, administrators, ~~other~~ faculty and staff members, and the public. Such suggestions must be submitted in writing to the District Clerk at least ten (10) days before the meeting. Suggestions that are submitted less than ten (10) days prior to the meeting may be added to the agenda at the discretion of the Board President or Superintendent.

The agenda and supporting materials, including the minutes of the previous meeting or meetings, will be distributed to Board members during the week preceding the meeting.

Quorum and Voting

A majority of the members of the Board of Education (four members) shall constitute a quorum for the transaction of business at a Board meeting. If a quorum is not present within twenty (20) minutes of the time set for a Board meeting, the meeting will be rescheduled or cancelled. Notice of ~~the~~ rescheduled meeting will be given to all members of the Board, the public and news media ~~to the extent practicable, [38]~~ depending upon the date to which the meeting is rescheduled.

The Board of Education shall take action by voting ~~upon~~ resolutions presented by one Board member and seconded by another. A majority vote of the full Board is required to adopt a resolution, except in circumstances when a super-majority vote is required:

- a) Discontinuing a designated textbook within five years of adoption requires a three-quarters (3/4) vote of the Board;
- ~~a)~~ b) If a relative, by blood or marriage, of a Board member is employed in a teaching position or appointed to tenure, a two-thirds (2/3) vote of the Board is required;
- ~~b)~~ c) Standardization on a particular type of equipment or supplies must be determined to be in the best interests of the District by a two-thirds (2/3) vote of the Board;
- ~~e)~~ d) A vote to place a proposition before the voters for an object or purpose for which bonds may be issued requires a three-fifths (3/5) vote of the Board.

All actions requiring a vote can be conducted by voice, show of hands or roll call. The vote of each Board member shall be recorded on each action of the Board.

Videoconferencing

If videoconferencing or online technology is used to conduct a meeting, the public notice for the meeting will inform the public, identify all the locations for the meeting, and state that the public has the right to attend at any of the locations, in accordance with Open Meetings Law.- If a meeting is streamed live over the Internet, the public notice will inform the public of the website's Internet address. Voting may be done through videoconferencing, provided that members can be both seen and heard voting and participating from remote locations.

Rules of Order

The Board shall use Robert's Rules of Order, Revised, as a guideline for conducting meetings of the Board of Education, except when such provisions are inconsistent with law or policy, or are suspended by majority vote of the Board. The Board may, at its discretion, waive Robert's Rules and substitute its own procedures by a majority vote of the Board.

Public Participation

Because the Board desires to hear the viewpoints of ~~stakeholders~~^[39]~~citizens~~ throughout the District, ~~and as well as~~ conduct its business in an orderly and efficient manner, it will schedule a period during business meetings for brief comments and questions from the public. The Board may set a time limit on the length of this period ~~and~~ or for individual speakers.

There will be a sign-up sheet at the Board meeting. Persons wishing to address the Board should sign in with their name and town of residence prior to the start of the meeting. At the beginning of the public comment period, the Board President will read the names of speakers, in order, from the sign-in sheet. Each person will come to the microphone when his/her name is called ~~to and deliver~~ make their comments ~~within the time limit. The Board President will have the discretion to limit the speaker's time. Speakers will be allowed two minutes for their comments. This~~ The time limit is meant to ensure that everyone has a chance to speak. If a speaker is unable to finish their remarks during the allotted time limit, the comments can be supplemented by submitting a written statement to the District Clerk. A speaker may not yield ~~their~~^{his/her} time to another speaker in order to extend the time for comment. Speakers may not use the public comment platform to address issues that are irrelevant to the District's operations or programs.

Individuals that cannot attend a meeting in person may submit their comment, in writing, to the District Clerk at least three (3) days prior to the meeting. The individual may request that the District Clerk read their comment aloud at the meeting. Comments will not be read until all in-person speakers have had their opportunity to address the Board. The District reserves the right to redact any inappropriate material from the submitted comment. The Board President may, at their discretion, have a printed copy of each submitted comment available at the meeting for public review in lieu having the District Clerk read the comment aloud.^{[40][41][42]}

Once all signed-in speakers have spoken ~~and as long as time permits~~, additional speakers who have not signed in may address the Board on a first come basis-

The Board President shall have the authority to curtail public comment if, in their judgement, the continuation or commencement of the comment period threatens to obstruct the conduction of business.

When a Board member attends a Board meeting by videoconference, any individual attending a Board meeting at the videoconference location may address the Board after all signed-in speakers have spoken.

All speakers shall conduct themselves in a civil, respectful and orderly manner in accordance with the District's Code of Conduct. The Board President will be responsible for orderly conduct of the meeting, time management, ~~for adhering to any time limits~~ and determining the appropriateness of the subject being presented. The Board President shall have the right to discontinue any presentation which violates this policy.

Members of the public wishing to make formal presentations before the Board must make a request at least ten (10) days before the Board Meeting with the District Clerk so that such presentations may be scheduled on the agenda. The Board reserves the right to reject requests for such presentations, ~~and to limit the time for such presentations,~~ or schedule the presentation for a future meeting.

~~Speakers may comment on matters of public interest involving school operations and programs. To protect the privacy rights of the individuals involved, speakers may not identify any person by name or position. The Board will not permit discussion involving district personnel, students, or individual members of the Board.~~^[43]

The Board requires that persons wishing to communicate concerns about ~~district~~^[44] personnel or students should begin with the staff member, administrator, or other employee closest to the issue in an attempt to resolve issues at the earliest possible stage. If the issue remains unresolved, persons wishing to discuss matters involving individual ~~district~~^[45] personnel or students should present their comments and/or concerns to the Superintendent during regular business hours. ~~Th~~^[46] he Board requests that members of the public refrain from specific mention by name or position of district personnel or students^[47].

~~Persons wishing to discuss matters involving individual members of the Board should present their comments and/or concerns to the District Clerk, in writing, to be forwarded to the entire Board of Education and Superintendent.~~^[48]

At the conclusion of the public comment period the Board may, at their discretion, offer comments or engage in a brief discussion of the topics or issues raised by members of the public. During such discussions Board members shall be careful to not promise action, be conscious of their role as a deliberative body, and manage their time in consideration of the full

agenda. This post-comment discussion period is reserved solely for the Board, Superintendent, and recognized personnel. The Board may ask brief clarifying questions of the original commenter when necessary.

[49]

Members of the public will not be recognized by the President as the Board conducts its official business, unless the Board agrees to waive this provision.

Minutes

Minutes will be taken by the District Clerk (or Clerk Pro-Tem) at all Board meetings in accordance with the Open Meetings Law. All motions, resolutions, and any other matters formally voted upon by the Board shall be recorded in the minutes, including the final vote of each Board member.

Executive Sessions

Upon a majority vote of its total membership, taken in an open meeting pursuant to a motion identifying the area or areas of the subject or subjects to be considered, the Board ~~of Education~~ may conduct an executive session for discussion of the below enumerated purposes only, provided, however, that no action by formal vote shall be taken except on an Education Law Section 3020-a probable cause finding. For all other purposes, the action by formal vote shall be taken in open meeting and properly recorded in the minutes of the meeting.

a) Matters that will imperil the public safety if disclosed;

b) Any matter that may disclose the identity of a law enforcement agent or informer;

c) Information relating to current or future investigation or prosecution of a criminal offense that would imperil effective law enforcement if disclosed;

d) Discussions regarding proposed, pending, or current litigation;

e) Collective negotiations pursuant to Article 14 of the Civil Service Law;

f) ~~Medical, financial, credit or employment history of any particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal or removal of any particular person or corporation;~~

g) ~~Preparation, grading or administration of examinations;~~

h) ~~Proposed acquisition, sale or lease of real property or the proposed acquisition of securities, or sale or exchange of securities, but only when publicity would substantially affect the value thereof.~~[50]

Matters discussed in executive sessions must be treated as confidential; that is, never discussed outside of that executive session.

Superintendent Participation

It is the Board's desire that the Superintendent or ~~their his/her designee designated representative~~, shall attend all meetings of the Board. However, if the Superintendent or ~~their his/her~~ designee is unable to attend a regularly scheduled Board meeting, the Board can still meet at its discretion. The Superintendent or ~~their his/her~~ designee ~~may [51] shall~~ attend all executive session meetings of the Board except those that concern ~~their his/her~~ evaluation and salary determination. The Board may request the attendance of such additional persons as it desires.

Public Officers Law Article 7

Education Law Sections 1708 and 3020-a

General Construction Law Section 41

Public Officers Law Section 106

NYS Department of State, Committee on Open Government, OML-
AO-#1973, September 13, 1991[52]

NOTE: Refer also to Policy #1721 -- Minutes

Adopted: 7/16/08

8.4 Second Reading of Policy 6411 Use of Email in the District Policy

2019 6411
1 of 3

Personnel

SUBJECT: USE OF EMAIL IN THE DISTRICT

Electronic mail ("email") ~~Email~~^[53]^[54] 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 or themselves at risk. The same laws and business records requirements apply to email as to other forms of written communication. District employees and authorized users will use the District's designated email system for all business-related email, including emails in which students or student issues are involved. Personal accounts and instant messaging will 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 any 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 or her~~ **their** use of email.

The New Paltz Central School District maintains full control over all technology owned by the District including email services. The District reserves the right to monitor all email, phone, and other communication activities by all users on the network. Users should have no expectation of privacy on the school's network, including email and phone messages. Users are responsible for using appropriate judgement and confidentiality in any communication regarding students or other staff members, to ensure that their personally identifiable information remains private.

Classified and Confidential

District employees and authorized users may **not**:

- a) ~~p~~**p**rovide lists or information about District employees or students to others, ~~or distribute—and/or~~ Requests for such lists or information, or qQuestions regarding usage and ~~requests for these lists or information~~ should be directed to a principal or supervisor;
- b) ~~f~~**f**orward emails with confidential, sensitive, or secure information without principal or supervisor authorization. Additional precautions, such as encryption, should be taken when sending documents of a confidential nature;
- c) ~~u~~**u**se file names that may disclose confidential information. Confidential files should be password protected and encrypted. File protection passwords will not be transmitted via email correspondence;
- d) ~~u~~**u**se 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 or debit card number, ~~and~~ security code, or any access code or password that permits access to financial accounts or protected student records;
- e) ~~s~~**s**end or forward emails with comments or statements about the District that may negatively impact it; or
- f) ~~s~~**s**end 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 should have no expectation of privacy in this email use. ~~Personal use does not include chain letters, junk mail, and jokes.~~ [55] Employees and authorized users are not permitted to ~~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 or log on to for any personal social media programs~~ post personal information to bulletin boards, blogs, chat groups, and list services, etc. without specific permission from the principal or supervisor. The District's email system ~~may not also cannot~~ 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 or supervisor immediately.

Records Management and Retention

Email will be maintained and archived in accordance with the New York State Records Retention and Disposition Schedule ED-1 and as outlined in the District's Records Management Policy. Email records may be deleted, purged, or destroyed after they have been retained for the requisite time period established in the ED-1 schedule.

Training

Employees or 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 Director of Integrated Technology or their designee(s) may report inappropriate use of email by an employee or authorized user to the employee or authorized user's principal or supervisor who may take appropriate disciplinary action. Violations may result in a loss of email ~~privileges~~~~use, loss of~~ 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.~~

NOTE: Refer also to Policies: ~~;~~ #3320 -- Confidentiality of Computerized Information
~~;~~ #3420 -- Non-Discrimination and Anti-Harassment in the District
#5670 -- Records Management
#6410 -- Staff Acceptable Use Policy
#8271 -- Internet Safety/Internet Content Filtering

Adoption Date: **XX/XX/2019**

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board of Education will provide staff with access to various computerized information resources through the District Computer System (DCS ~~hereafter~~) consisting of software, hardware, computer networks and electronic communication systems. This may include access to electronic mail, ~~so-called "on-line services,"~~ and the "Internet." It may also include the opportunity for some 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, [56][57][58] shall be subject to this policy and accompanying regulations.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research, and contact others in the educational world. The Board anticipates that staff access to various computerized information resources will both expedite and enhance the performance of tasks associated with their positions and assignments. Toward that end, the Board directs the Superintendent or ~~his/her~~ **their** designee(s) to provide staff with training in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon written agreement by the staff member that use of the DCS will conform to the requirements of this policy and any regulations adopted to ensure acceptable use of the DCS. This agreement is incorporated into the "Annual Notices to All District Employees" signed certification.

Generally, the same standards of acceptable staff conduct which apply to any aspect of job performance shall apply to use of the DCS. Employees are expected to communicate in a professional manner consistent with applicable District policies and regulations governing the behavior of school staff. Electronic mail and telecommunications are not to be utilized to share confidential information about students or other employees.

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. Administrative regulations will further define general guidelines of appropriate staff conduct and use as well as proscribed behavior.

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.

Staff members who engage in unacceptable use may lose access to the DCS and may be subject to further discipline under the law and in accordance with applicable collective bargaining agreements. Legal action may be initiated against a staff member who willfully, maliciously, or unlawfully damages or destroys property of the District.

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. The Board of Education 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.

For purposes of this policy, the definition of public social media networks or Social Networking Sites (SNS) are defined to include: ~~websites~~ ~~Web sites~~, ~~Web logs~~ (blogs), wikis, social networks, online forums, virtual worlds, and any other social media generally available to the ~~District school district~~ community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Instagram, Twitter, LinkedIn, Flickr, Snap-Chat, ~~blog~~ ~~59~~ ~~s~~ ~~sites~~, 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 ~~within these internal forums~~.

The use of social media (whether public or internal) can generally be defined as Official District Use, Professional/Instructional Use, and Personal Use. The definitions, uses, and responsibilities will be further defined and differentiated in the Administrative Regulation. The ~~School~~ District takes no position on an employee's decision to participate

in the use of social media or SNS for personal use on personal time. However, personal use of these media 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. They ~~have~~ **are** responsible ~~ility~~ for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting, and compliance with all applicable District policies and regulations.^[60]

Privacy Rights

Confidential or private data, including, but not limited to, student and staff personal identifiable information and assessment data will be stored and protected on the District network. This information should never be shared outside of the District unless the District is assured that the data is secured, encrypted, and is only used for purposes agreed upon by the District. ~~Those~~ data will not be collected, maintained, or distributed outside of the authorized agreement. Staff members are responsible for understanding the privacy policies of any online and offline educational programs and protecting the data of our students.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The District may access all such files and communications to ensure system integrity and that users are complying with requirements of this policy and accompanying regulations. Staff should **NOT** expect that information stored on the DCS will be private.

In addition, staff members are responsible for protecting confidential information by not leaving any ~~of~~ data unattended or visible to others. This includes signing out or locking their accounts when they are away from a device.

Implementation

Administrative regulations will be developed to implement the terms of this policy, addressing general parameters of acceptable staff conduct as well as prohibited activities ~~so as~~ **in order** to provide appropriate guidelines for employee use of the DCS.

NOTE: Refer also to Policy #8271 -- Children's Internet Protection Act: Internet Content Filtering/Safety Policy

Adopted: 7/16/08

Revised: 10/05/11

Revised: XX/XX/2019

8.6 Second Reading of Policy 6471 Computer Network and Internet Acceptable Use Policy (AUP) Personnel

2014 2019 6471

Personnel

SUBJECT: COMPUTER NETWORK AND INTERNET ACCEPTABLE USE POLICY (AUP)

The New Paltz Central School District recognizes the value of electronic resources to enhance student learning and the overall operation of our schools. To this end, the District encourages the responsible use of computers, the Network/Internet and other electronic resources to support the mission and vision of the New Paltz Central School District. This policy is designed to protect and provide guidance for our students and staff with access to these resources.

The Network/Internet is provided for students and staff for educational purposes. Access to Network/Internet services will be provided to users who act in accordance with this policy. ~~Access is a privilege, not a right.~~ The smooth operation of the Network/Internet relies upon the ~~proper~~ **responsible** conduct of the end users and requires efficient, ethical, and legal utilization of the Network/Internet resources.

Digital Citizenship and Personal Accountability

The New Paltz Central School District advocates for equal digital rights and access for all. Through this process it is imperative that all students and staff understand the importance of being responsible, ethical digital citizens. This includes, but is not limited to:

- (a) Treating all others with respect online;
- (b) Refraining from participating in cyberbullying and report any harassing activities you witness;
- (c) Making appropriate decisions while communicating online through any digital channels;
- (d) Respecting others' digital work. Do not steal or damage anyone's digital property;
- (e) Using network and online tools effectively to empower and enhance your learning experience;
- (f) Limiting screen time and the health risks of technology. Technology is a learning tool, but should not be used exclusively in the learning environment. Maintaining awareness of the physical and psychological risks. [61][62]

Internet Safety/Managing Your Digital Footprint

In addition to being a good digital citizen, users must also be aware of their own digital footprint. Developing a positive digital footprint is essential. It can be harmful to the user or District's reputation if mismanaged, or in the event a user's account has been compromised. Good management includes, but is not limited to:

- (a) protecting the user: Users may not give out any personal identifiable information online (name, age, ID numbers, address, etc.);
- (b) protection of passwords: Passwords are confidential. If a user believes their password has been compromised, it should be changed immediately and an administrator alerted. Each user is responsible for keeping their password secure;
- (c) privacy on the District network: District email, files, and anything else created and stored on local or cloud-based servers are not private. The network administrator may monitor any account at any time for subject, content, and appropriateness. Users are responsible for their actions on the District network and any violations of this policy will be reported to the school administrator;
- (d) Internet etiquette and social media: Users must follow the District Code of Conduct for guidelines on accepted behaviors both online and in our schools. Each user is responsible for what they say online. Social media platforms or other online programs may not be used to create, send, display, or distribute anti-social, harassing or threatening messages, pictures, or other media, including that which is defamatory, abusive, obscene, profane, racially offensive, or offensive to human dignity;
- (e) videos and photographs: No user is permitted to take photos or videos of any staff member or student without their explicit consent;
- (f) proxy use: Users are not permitted to employ the use of proxies to circumvent the content filtering put in place by the District;
- (g) refraining from plagiarism and adhering to copyright laws.

Internet Safety/Managing Your Digital Footprint

In addition to being a good digital citizen, users you must also be aware of their your own digital footprint. Developing a positive digital footprint is essential, important to your future. It reflects the information you shared online about yourself and can be harmful to the user or District's your reputation if mismanaged, or in the event an account if one of your accounts has been compromised. Good management includes, but is not limited to:

- (a) ~~pProtecting the user: ing yourself. Users may not~~Do not give out any personal identifiable information online (name, age, ID numbers, address, etc.);
- (a) ~~pProtection of ing your passwords: .~~ Passwords are confidential. ~~If a user believes their~~, if you believe your password has been compromised, it should be changed you should change it immediately and alert a superior teacher or administrator alerted. Each user is You are responsible for keeping their your password secure;
- (b) ~~pPrivacy on our District network: .~~ District emailNew Paltz CSD Email, files, and anything else created and stored on our local or cloud based servers are not private. The network administrator may monitor any account at any time for subject, content, and appropriateness. ~~Users are~~ You are responsible for their your actions on our the District network and any violations of this policy will be reported to the school administrator;
- (c) ~~Internet etiquette and social media: Users must. f~~ Follow the District Code of Conduct for guidelines on accepted behaviors both online and in our schools. ~~Each user is~~ You are responsible for what they you say online. ~~Do not use~~ Social media platforms or other online programs may not be used to create, send, display, or distribute anti-social, harassing or threatening messages, pictures, or other media, including that which is defamatory, abusive, obscene, profane, racially offensive, or offensive to human dignity;
- (d) ~~yVideos and photographs:.~~ No user student is permitted to take photos or videos of any other staff member or student without their explicit consent of the staff member or student;

- ~~(e) Proxy use: No user staff member or student is permitted to employ the use of proxies to circumvent the content filtering in place by the District of New Paltz CSD [63];~~
- ~~(f) Refraining from plagiarism and adhering to copyright laws. [64]~~
- ~~(g)~~
- ~~(h)~~

Additional Responsibilities

- a) Users must [65] use the school Network/Internet for educational purposes.
- b) ~~Users are A Each user [66] is~~ responsible for all material received via the Internet.
- c) ~~Users A Each user~~ may NOT:
 - 1. ~~a~~ Attempt to circumvent Network/Internet security measures;
 - 2. ~~t~~ Tamper with or in any way adjust default or teacher-created settings;
 - 3. ~~c~~ Create and/or place a computer virus onto any computer;
 - 4. ~~t~~ Trespass in another's user's folder, work, or files;
 - 5. ~~s~~ Share his/her their own ID Password with others;
 - 6. ~~L~~og in under another person's user's account;
~~Access personal email accounts using the District's Internet connections without teacher consent.~~
 - 7. ~~r~~ Reveal personal information about themselves or others on websites, including last names, addresses and/or phone numbers;
~~Complete and/or submit forms found on websites without permission~~
 - 8. ~~r~~ Receive or transmit information pertaining to dangerous instrumentalities such as bombs, automatic weapons, or other illicit firearms, weaponry, or explosive devices;
~~Create, send, display, or receive anti social, harassing or threatening messages, pictures, or other media, including that which is defamatory, abusive, obscene, profane, racially offensive, or offensive to human dignity (Moved to Internet Etiquette/Social Media)~~
- ~~c~~ Create, send, display, or receive hate mail, discriminatory or other antisocial remarks, or information which is intended to harass; [67] [68]
- 9. ~~d~~ Damage, dismantle, detach, or remove computers, computer systems, computer networks, computer mice, printers, scanners, or cameras;
- 10. ~~r~~ Remove keys from the keyboard;
- 11. ~~d~~ Disconnect or alter any computer cables;
- 12. ~~i~~ Intentionally waste limited resources (paper, connect time, student and teacher searching time, ink cartridges, laser jet toner, printer ribbons, ~~data storage devices diskettes discs~~, storage space, etc.);
- 13. ~~e~~ Employ the Network/Internet for commercial purposes;
- 14. ~~b~~ Bring gum, food or drink into computer/electronic equipment areas;

15. ~~a~~Access the Network to play non-educational games or for other non-academic activities;
- ~~Participate in any type of newsgroups or "chat" rooms~~
16. ~~d~~Delete, rename, move, copy, any file or its properties, other than their/his/her personally owned data files;
17. ~~v~~Violate the [69] federal copyright laws and/or software license agreements;
18. ~~L~~oad software or executable files of any kind onto any of the District's computers or network server;
19. ~~r~~Run or copy executable programs for any drive on any of the District's computers;
20. ~~h~~Have directories on any stand-alone computers;
21. ~~s~~Send messages from one computer to another via the LAN or WAN.

~~Only with permission from a system administrator may files be transferred to the user's account.~~

~~All disks must be scanned for viruses before being used in any school computer.~~

~~There may not be privacy on files stored in District Network servers and local hard drives. With probable cause, the network administrator and system operator may monitor any account at any time for subject, content, and appropriateness of the files and remove any file as warranted, reporting any violation of the rules to a school administrator. It is the users' responsibility to inform anyone with whom they correspond that the school account is open. (Moved to Privacy on our network)~~

- d) Users~~The user~~ will have only those access and system rights assigned by the network administrator.
- e) Users~~The user~~ will be responsible for any cost to the District due to user negligence or misuse.

Users must also conform to any additional site restrictions that may be in effect. All Board policies and school regulations apply to the use of the Network/Internet.

Consequences

It is the user's responsibility to abide by the rules set forth in this policy. Violations will result in the user's account being removed from the Network/Internet for a period of one week, one month, one semester, or one year depending on the gravity of the offense.

Depending on the gravity of the offense, other administrative and/or legal action may occur.

Attempts to log in to the system as a system administrator will result in immediate cancellation of user privileges.

The network administrator, school administrators, Superintendent, and/or the School Board may request specific accounts to be denied, revoked, or suspended.

Adopted: 7/16/08
 Revised: 11/19/14
 Revised: **XX/XX/2019**

8.7 Second Reading of Policy 7315 Computer and Internet Acceptable Use Policy (AUP) Students

~~2012~~ **2019** 7315
 31 of 5

Students

SUBJECT: COMPUTER NETWORK AND INTERNET ACCEPTABLE USE POLICY (AUP)

The New Paltz Central School District recognizes the value of electronic resources to enhance student learning and the overall operation of our schools. To this end, the District encourages the responsible use of computers, the District Network^[70], the Internet, and other electronic resources to support the mission and vision of the New Paltz Central School District. This policy is designed to protect and provide guidance for our students and staff that will have access to these resources.

The Network and Internet are is provided to~~for~~ students and staff for educational purposes. Access to the Network and Internet services^[71] will be provided to users who act in accordance with this policy. ~~Access is a privilege, not a right.~~ The smooth operation of the Network and Internet relies upon the proper responsible conduct of the end users and requires efficient, ethical, and legal utilization of ~~the~~ Network and Internet resources.

Digital Citizenship and Personal Accountability

The New Paltz Central School ^[72] District advocates for equal digital rights and access for all. Through this process it is imperative that all students and staff understand the importance of being responsible, ethical digital citizens. This includes, but is not limited to:

- (a) ~~t~~ Treating all others with respect online;
- (b) ~~r~~ Refraining from participating in cyberbullying and reporting any harassing activities you witness;
- (c) ~~m~~ Making appropriate decisions while communicating online through ~~any~~ digital channels;
- (d) ~~r~~ Respecting others' digital work. Do not steal or damage anyone's digital property;
- (e) ~~e~~ Effective use of Using network and online tools ~~effectively~~ to empower and enhance your learning experience;
➤ ~~—~~ Limiting screen time and ~~the~~ understanding the health risks of technology. Technology is a learning tool, but should not be used exclusively in the learning environment. ~~Maintaining awareness of the physical and psychological risks.~~

~~Internet Safety/Managing Your Digital Footprint~~

~~[73] Internet Safety/Managing Your Digital Footprint~~

In addition to being a good digital citizen, users must also be aware of their own digital footprint. Developing a positive digital footprint is essential. It can be harmful to the user or District's reputation if mismanaged, or in the event a user's account has been compromised. Good management includes, but is not limited to:

- (a) protecting the user: Users may not give out any personal identifiable information online (name, age, ID numbers, address, etc.);
- (b) protection of passwords: Passwords are confidential. If a user believes their password has been compromised, it should be changed immediately and an administrator alerted. Each user is responsible for keeping their password secure;
- (c) privacy on the District network: District email, files, and anything else created and stored on local or cloud-based servers are not private. The network administrator may monitor any account at any time for subject, content, and appropriateness. Users are responsible for their actions on the District network and any violations of this policy will be reported to the school administrator;
- (d) Internet etiquette and social media: Users must follow the District Code of Conduct for guidelines on accepted behaviors both online and in our schools. Each user is responsible for what they say online. Social media platforms or other online programs may not be used to create, send, display, or distribute anti-social, harassing or threatening messages, pictures, or other media, including that which is defamatory, abusive, obscene, profane, racially offensive, or offensive to human dignity;
- (e) videos and photographs: No user is permitted to take photos or videos of any staff member or student without their explicit consent;
- (f) proxy use: Users are not permitted to employ the use of proxies to circumvent the content filtering put in place by the District;
- (g) refraining from plagiarism and adhering to copyright laws.

In addition to being a good digital citizen, you^[74]^[75] must also be aware of your own digital footprint. Developing a positive digital footprint is important to your future. It reflects the information you share

online about yourself and can be harmful to your reputation if mismanaged or if one of your accounts has been compromised. Good management includes, but is not limited to:

- (a) ~~Protecting yourself.~~ Do not give out any personally identifiable information online (name, age, ID numbers, address, etc.);
- (b) ~~Protecting your passwords.~~ Passwords are confidential, if you believe your password has been compromised, you should change it immediately and alert a teacher or administrator. You are responsible for keeping your password secure;
- (c) ~~Privacy on our the District network~~^[77]. ~~New Paltz CSD~~^[78] eEmail, files, and anything else created and stored on our local or cloud based servers are not private. The network administrator may monitor any account at any time for subject, content, and appropriateness. You are responsible for your actions on our the District network^[79] and any violations of this policy will be reported to the school administrator;
- (d) ~~Internet etiquette and social media.~~ Follow the District Code of Conduct for guidelines on accepted behaviors both online and in our schools. You are responsible for what you say online. Do not use social media platforms or other online programs to create, send, display, or receive distribute anti social, harassing or threatening messages, pictures, or other media, including that which is defamatory, abusive, obscene, profane, racially offensive, or offensive to human dignity;^[80]
- (e) ~~Videos and Photographs.~~ No student is permitted to take photos or videos of any other staff member or student without the consent of the staff member or student;
- (f) ~~Proxy Use.~~ No staff member or student is permitted to employ the use of proxies to circumvent the content filtering of New Paltz CSD;
- (g) ~~Refraining from plagiarism and adhering to copyright laws.~~

Additional Responsibilities

- a) ~~Users.~~ Each user must use the ~~school~~ Network and ~~Internet~~ primarily for educational purposes.
- b) A ~~Each~~ user is responsible for all material ~~retrieved~~^{received} via the Internet.
- c) A ~~Each~~ user may NOT:
 - 1. Attempt to circumvent Network and ~~Internet~~ security measures;
 - 2. Tamper with or in any way adjust default or teacher-created settings;
 - 3. Create ~~and/or place~~ a computer virus or place a virus onto any computer;
 - 4. Trespass in another's ~~user's~~ folder, work, or files;
 - 5. Share ~~his/her~~ their own ID or pPassword with others;
 - 6. Log in using~~nder~~ another ~~person's~~ user's account;
 - 7. ~~Access personal email accounts using the District's Internet connections without teacher consent;~~^[81]
 - 8. Reveal personal information about themselves or others on Wbsites, including last names, addresses, and/or phone numbers;
 - 9. ~~Complete and/or submit forms found on websites without permission;~~^[82]^[83]
 - 10. Receive or transmit information pertaining to dangerous instrument~~salities~~ such as ~~bombs, automatic weapons, or other illicit firearms,~~ weaponry, or explosive devices^[84];

~~Create, send, display, or receive anti social, harassing or threatening messages, pictures, or other media, including that which is defamatory, abusive, obscene, profane, racially offensive, or offensive to human dignity~~ (Moved to Internet Etiquette/Social Media)

11. Create, send, ~~or display~~~~or receive~~ hate mail, discriminatory or other antisocial remarks[85], or information which is intended to harass;
12. Damage, dismantle, detach, or remove computers, ~~mobile devices~~~~computer systems~~, ~~network equipment~~~~computer networks~~, computer peripherals~~mouse~~, printers, scanners, or cameras;
13. Remove keys from ~~the~~ keyboards;
14. Disconnect or alter ~~any computer~~ cables;
15. Intentionally waste limited resources (paper, ~~connect time~~[86], student and teacher searching time[87], ink ~~and toner~~~~cartridges~~, ~~laser jet tones~~, ~~printer ribbons~~, ~~diskettes~~, storage space, etc.);
16. Employ the Network ~~or~~ Internet for commercial purposes;
17. Bring gum, food, or drink into computer ~~or~~ electronic equipment areas[88];
18. Access the Network to play non-educational games or for other non-academic activities;
Participate in any type of newsgroups or "chat" rooms
19. Delete, rename, move, copy, any file or its properties, other than ~~your~~~~his/her~~ personally owned data files;
20. Violate ~~the~~ federal copyright laws ~~and~~ or software license agreements;
21. Load, ~~run~~, ~~or copy~~ software or executable files of any kind ~~on~~ to any of the District's computers or network servers;
22. ~~Run or copy executable programs for any drive on any of the District's computers;~~
23. ~~Have directories on any stand-alone computers; —~~ [89]
24. ~~Send messages from one computer to another via the LAN or WAN~~ [90]

~~Only with permission from a system administrator may files be transferred to the user's account.~~

~~All disks must be scanned for viruses before being used in any school computer.~~

~~There may not be privacy on files stored in District Network servers and local hard drives. With probable cause, the network administrator and system operator may monitor any account at any time for subject, content, and appropriateness of the files and remove any file as warranted, reporting any violation of the rules to a school administrator. It is the users' responsibility to inform anyone with whom they correspond that the school account is open. (Moved to Privacy on our network)~~

~~d) User's~~~~The user will have only those~~ access and system rights will be assigned by the network administrator.



~~e) The user will be responsible for any cost to the District due to user negligence or misuse.~~

Users must also conform to any additional site restrictions that may be in effect. All Board policies and school regulations apply to the use of the Network and Internet.

Consequences

It is the user's responsibility to abide by the rules set forth in this policy. Violations will result in the user's account being removed from the Network or Internet for a period of one week, one month, one semester, or one year depending on the gravity of the offense.[91]

Depending on the gravity of the offense, other administrative and/or legal action may occur. [92]

Attempts to log in to the system as a system administrator will result in immediate cancellation of user privileges.

The network administrator, school administrators, Superintendent, ~~and/or the~~ School Board may request specific accounts to be denied, revoked, or suspended.

Adopted: 7/16/08

Revised: 2/01/12

Revised: ~~XX/XX/2019~~

9. ADJOURN