

Community Relations

SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES

In accordance with the provisions of General Municipal Law and the collective bargaining agreements, all District personnel shall have the opportunity to present their complaints or grievances free from interference, coercion, restraint, discrimination or reprisal. The District shall provide at least two procedural stages and an appellate stage for the settlement of any grievance.

Complaints or grievances not covered under employee contracts shall be handled and resolved, whenever possible, as close to their origin as possible. The Superintendent is responsible for implementing regulations for the redress of complaints or grievances through proper administrative channels.

Complaints and Grievances Coordinator

Additionally, the Board shall ensure compliance with Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 and the Americans With Disabilities Act (ADA). The Superintendent shall designate a District employee as the Title IX/Section 504/ADA Coordinator; and regulations and procedures shall be implemented to resolve complaints of discrimination based on sex or disability.

Prior to the beginning of each school year, the District shall issue an appropriate public announcement which advises students, parents/guardians, employees and the general public of the District's established grievance procedures for resolving complaints of discrimination based on sex or disability. Included in such announcement will be the name, address and telephone number of the Title IX/Section 504/ADA Coordinator.

The Title IX/Section 504/ADA Coordinator shall also be responsible for handling complaints and grievances regarding discrimination based on race, color, creed, national origin, political affiliation, age, veteran or marital status.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2001-e, et seq. – Prohibits discrimination on the
basis of race, color, religion, sex or national origin.
Title VI of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2001-d, et seq. – Prohibits discrimination on
the basis of race, color or national origin.

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SUBJECT: COMPLAINTS AND GRIEVANCES BY EMPLOYEES (Cont'd.)

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC)
Section 794 et seq.;
The Americans With Disabilities Act,
42 United States Code (USC)
Section 12101 et seq. - Prohibits discrimination on
the basis of disability.

Title IX of the Education Amendments of 1972,
20 United States Code (USC)
Section 1681 et seq. - Prohibits
discrimination on the basis of sex.

New York State Executive Law
Section 290 et seq. - Prohibits discrimination on the
basis of age, race, creed, color, national
origin, sex, disability or marital status.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621.

Military Law Sections 242 and 243

Adopted: 6/11/01

SUBJECT: SMOKING/TOBACCO PRODUCTS USE**School Grounds**

All tobacco use, including but not limited to cigarettes and chewing tobacco, shall not be permitted and no person shall use tobacco products on school grounds. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds contained within the District's pre- school, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as any vehicles used to transport children or school personnel.

Posting/Notification of Policy

In compliance with the New York State Clean Indoor Air Act, and as provided for in contractual agreements, the District will prominently post its Smoking/Tobacco Use policy in District buildings and supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke on school grounds that they are in violation of Article 13-E of the state Public Health Law and the federal Pro-Children Act of 1994.

Goals 2001: Educate America Act,
(Pro-Children Act of 1994)
Public Health Law Article 13-E
Education Law Sections 409 and 3020-a

SUBJECT: SAFETY AND SECURITY

The Board of Education of the Huntington Union Free School District hereby declares that it is the policy of this School District to provide a safe and secure environment to all those persons, students, staff and visitors, who lawfully enter upon District property or who travel in District vehicles for the purposes of the District.

It shall be the responsibility of the Superintendent to establish and carry out written regulations that will:

- a) Identify those staff members who will be responsible for the effective administration of the regulations;
- b) Provide staff time and other necessary resources for the effective administration of the regulations;
- c) Establish periodic written review of the activities of the staff to insure compliance with applicable laws and regulations;
- d) Provide an on-going mechanism for the effective review of safety and security concerns of the staff, students and affected public;
- e) Provide for reports to the Board of Education regarding the significant aspects of safety and security of the District.

Labor Law Section 27-a**Student Safety**

All staff who are made aware of physical and/or verbal threats to students must immediately report these threats against students to the next level of supervisory authority for prompt action. The immediate supervisor must then inform the Superintendent/designee, including any action taken, after learning of such threats to students.

The District shall disseminate this policy to all employees in order to ensure staff awareness.

Hazard Communication Standard

All personnel shall be provided with applicable training to comply with the New York State "Right-to-Know" Law and the Hazard Communication Standard.

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SUBJECT: SAFETY AND SECURITY (Cont'd.)

The Superintendent/designee shall maintain a current record of the social security numbers of every employee who handles toxic substances.

Rules and regulations will be developed to insure District implementation of this policy which shall include awareness information, employee training and record keeping.

New York State Labor Law
12 New York Code of Rules and
Regulations (NYCRR) Part 820
Article 28
Occupational Safety and Health
Administration (OSHA)
29 Code of Federal Regulations
(CFR) 1910.1200

Adopted: 6/11/01

SUBJECT: HUMAN IMMUNODEFICIENCY VIRUS (HIV) RELATED ILLNESSES

The Board of Education contends that a student shall not be denied the right to attend school or continue his/her education nor shall an employee be denied the right to continue his/her employment who has been diagnosed or identified as having a positive blood test for the antibodies to the Human Immunodeficiency Virus (HIV). The Board further contends that under current law and regulations, the disclosure of confidential HIV-related information shall be strictly limited.

Administrative regulations and procedures shall be developed and implemented by the administration based on recommendations from the New York State Education Department and from consultation with appropriate professional and medical staff in the District.

The Superintendent shall also develop and implement inservice education and training for all school personnel concerning AIDS and HIV infection, including establishing protocols for routine sanitary procedures for dealing with the cleaning and handling of body fluids in school.

Confidentiality: Public Health Law,
Article 27-F

Refer also to Policy #8211 Prevention Instruction.

Adopted: 6/11/01

Personnel

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

Section 1. Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Huntington Union Free School District recognizes that there are rules of ethical conduct for members of the Board and employees of the District that must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this resolution to promulgate these rules of ethical conduct for the Board members and employees of the District. These rules shall serve as a guide for official conduct of the Board members and employees of the District. The rules of ethical conduct of this resolution, as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

Section 2. Standards of Conduct. Every Board member or employee of the Huntington Union Free School District shall be subject to and abide by the following standards of conduct:

(a) Gifts. Within their official capacity as District personnel, it is Board policy that District personnel are not to accept any personal gifts from students, students' families or from vendors doing business with the District.

(b) Confidential Information. He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.

(c) Representation before one's own agency. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

(d) Representation before any agency for a contingent fee. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.

(e) Disclosure of interest in resolution. To the extent that he/she knows thereof, a member of the Board of Education or employee of the Huntington Union Free School District, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education on any resolution before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such resolution.

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Personnel

SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL (Cont'd.)

(f) Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with his/her official duties.

(g) Private employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

(h) Future employment. He/she shall not, after the termination of service or employment with the School District, appear before any board or agency of the Huntington Union Free School District in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

Section 3. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former Board member or employee of any claim, account, demand or suit against the Huntington Union Free School District, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 4. Distribution/Posting of Code of Ethics. The Superintendent of the Huntington Union Free School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the School District within thirty (30) days after the effective date of this resolution. Each Board member and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of Article 18 of the General Municipal Law to be kept posted in each building in the District in a place conspicuous to its Board members and employees. Failure to distribute any such copy of this code of ethics or failure of any Board member or employee to receive such copy, as well as failure to post any such copy of General Municipal Law, Article 18, shall have no effect on the duty of compliance with such code or Article 18, nor with the enforcement of provisions thereof.

Section 5. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Section 6. Effective Date: This resolution shall take effect immediately.

General Municipal Law, Article 18

Adopted: 6/11/01

Personnel

SUBJECT: CONFLICT OF INTEREST

Public policy is designed to prevent public officials from acting in circumstances in which their personal interest conflicts with that of the public whose interest they have been elected to represent. The General Municipal Law defines prohibited conflicts of interest for school district officers and employees. In addition, various other provisions of law establish disclosure requirements concerning the personal interests, both direct and indirect of school board members.

Pursuant to the General Municipal Law, no School District officer or employee may have an interest, direct or indirect, in any contract with the School District, when such officer or employee, individually or as a member or as a member of the Board, has the powers or duty to (a) negotiate, prepare, authorize or approve or approve the contract, or authorized or approve payment thereunder; (b) audit bills or claims under the contract; or (c) appoint an officer or employee who has any of the powers or duties set forth above. No District Treasurer may have an interest, direct or indirect, in a bank or trust company designated as a depository or paying agent or for investment of funds of his/her district. This, however, does not preclude payment of lawful compensation and necessary expenses of a school employee in one or more public offices or positions of employment, the holding of which is not prohibited by law.

Exceptions to Law

The General Municipal Law enumerates a number of exceptions to its general rule. Specifically, the statute provides that its prohibitions on conflict of interest do NOT apply to:

- a) The designation of a bank or trust company as a depository, paying agent, registration agent or for investment of funds of a municipality except when the chief fiscal officer, treasurer, or his/her deputy or employee, has an interest in such bank or trust company; provided, however, that where designation of a bank or trust company outside the municipality would be required because of the foregoing restriction, a bank or trust company within the municipality may nevertheless be so designated;
- b) A contract with a person, firm, corporation or association in which a municipal officer or employee has an interest which is prohibited solely by reason of employment as an officer or employee thereof, if the remuneration of such employment will not be directly affected as a result of such contract and the duties of such employment do not directly involve the procurement, preparation or performance of any part of such contract;
- c) The designation of a newspaper, including but not limited to an official newspaper, for the publication of any notice, resolution, ordinance or other proceeding where such publication is required or authorized by law;
- d) The purchase by a municipality of real property or an interest therein, provided the purchase and the consideration therefore is approved by order of the supreme court upon petition of the governing board;

(Continued)

Personnel

SUBJECT: CONFLICT OF INTEREST (Cont'd.)

- e) The acquisition of real property or an interest therein, through condemnation proceedings according to law;
- f) A contract with a membership corporation or other voluntary non-profit corporation or association;
- g) The sale of lands and notes pursuant to Section 60.10 of the local finance law;
- h) A contract in which a municipal officer or employee has an interest if such contract was entered into prior to the time he/she was elected or appointed as such officer or employee, but this does not authorize a renewal of any such contract;
- i) Employment of a duly licensed physician as school physician for a school district upon authorization by a two-thirds vote of the board of education of such school district;
- j) A contract with a corporation in which a municipal officer or employee has an interest by reason of stockholdings when less than five percent of the outstanding stock of the corporation is owned or controlled directly or indirectly by such officer or employee;
- k) A contract for the furnishing of public utility services when the rates or charges therefore are fixed or regulated by the public service commission;
- l) A contract for the payment of a reasonable rental of a room or rooms owned or leased by an officer or employee when the same are used in the performance of his/her official duties and are so designate as an office;
- m) A contract for the payment of a portion of the compensation of a private employee of an officer when such employee performs part-time service in the official duties of the office;
- n) A contract in which a municipal officer or employee has an interest if the total consideration payable thereunder, when added to the aggregate amount of all consideration payable under contracts in which such person had an interest during the first year, does not exceed the sum of one hundred dollars;
- o) A contract with a member of private industry council established in accordance with the federal job training partnership act or any firm, corporation or association in which such member holds an interest, provided the member discloses such interest to the council and the member does not vote on the contract.

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SUBJECT: CONFLICT OF INTEREST (Cont'd.)**Express Prohibitions**

In addition, the law clearly states that an officer or employee may not:

- a) Directly or indirectly, solicit any gift, or accept or receive any gift having a value of \$75 or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing, or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to or could reasonably be expected to influence him/her in the performance of his/her official duties, or was intended as a reward for any official action on his/her part;
- b) Disclose confidential information acquired in the course of his/her official duties or use such information to further his/her personal interests;
- c) Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Board; or
- d) Receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before the Board whereby the compensation is to be dependent or contingent upon any action by the agency. This does not prohibit the fixing of fees based upon the reasonable value of services rendered.

Penalties

Any contract willfully entered into by or with a school district in which there is a prohibited interest is void and unenforceable. In addition, any officer or employee who willfully and knowingly violates the foregoing provisions shall be guilty of a misdemeanor.

It should be noted that competitive bidding does not cure the prohibition against having any interest in a contract when the officer or the employee has the power to approve the contract.

The law further authorizes, in addition to any other penalty imposed, that any person who knowingly and intentionally violates the above may be fined, suspended, or removed from office or employment in the manner provided by law.

Restrictions on Employment and Nepotism

There are additionally certain strictures imposed by law on employment of Board members and relatives of Board members.

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SUBJECT: CONFLICT OF INTEREST (Cont'd.)

As a general principle of law, a Board member cannot hold another public office which is incompatible with his/her status as a Board member. The Commissioner of Education has held that the mere possibility of conflict does not disqualify that person from retaining his/her position, although if a conflict situation does occur, the office holder should refrain from participating in any way. Political office holders, and village and Town employees may become school board members; however, a Town Supervisor may not be a Board member.

The law expressly prohibits a Board member from being an employee of the Board. Similarly, the law provides that not more than one member of a family may be a member of the same Board of Education in any school district.

Permissible Employment

There are a number of statutory provisions that expressly permit employment that would otherwise be prohibited, under certain circumstances.

In regard to teachers, no person who is related by blood or marriage to any Board member may be employed as a teacher by the Board, except upon the consent of two-thirds of the Board. This must be voted upon at a Board meeting and entered into the minutes. See Policy #6215 Employment of Relatives of Board of Education Members.

The law also permits the employment of a Board member as school physician upon the consent of two-thirds of the Board.

A collective bargaining agreement between a Board of Education and an employees' association, where a relative of a Board member is employed in the District, does not give rise to a prohibited conflict of interest. Although a Board member is deemed to have an interest in a contract between the School District and his/her spouse, minor children and dependents, the law expressly excepts a contract of employment with the Board.

Disclosure of Interests

The Legislature has also enacted various disclosure requirements, in an effort to protect the public and to publicize conflict of interest, so that both the public and the governing body might take appropriate account of any personal interests in appraising the public benefit of a personal transaction.

Any Board officer or employee who has, will have, or later acquires an interest in any actual or proposed contract with the Board must publicly disclose the nature and extent of such interest in writing to the Board as soon as he/she has knowledge of it.

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SUBJECT: CONFLICT OF INTEREST (Cont'd.)

Although certain interests may not be prohibited by law, they are still subject to disclosure requirements. Legal counsel should be sought concerning any question regarding disclosure of specific items.

The law requires that written disclosure be made part of and set forth in the minutes of the Board. Once made, no further disclosures with respect to additional contracts with the same party during the remainder of the fiscal year need be made.

Adopted: 6/11/01

Personnel

SUBJECT: STAFF-STUDENT RELATIONSHIPS

The Board will not tolerate relationships between staff and students which go beyond professional involvement. District staff members are prohibited, under any circumstances, to date or engage in any inappropriate personal contact which is of a physical, verbal, or written nature, whether or not it is consensual, with any of the District's students.

Failure to consistently maintain appropriate behavior will result in disciplinary action in accordance with applicable laws and policies, and where appropriate, may include termination.

Personnel

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

It is the policy of this District to provide, through a positive and effective program, equal opportunities for employment, retention and advancement of all people regardless of race, color, creed, national origin, political affiliation, sex, age, marital status, veteran status or disability.

Provisions will be provided for the publication and dissemination, internally and externally, of this policy to insure its availability to interested citizens and groups.

Job descriptions for all District positions shall be developed and maintained by administration. Additionally, administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination. Those intending to file a grievance due to alleged discrimination must follow the grievance procedure as established by the District.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2001-e, et seq. – Prohibits discrimination on
the basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2001-d, et seq. – Prohibits discrimination on
the basis of race, color or national origin.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC)
Section 794 et seq.;
The Americans With Disabilities Act,
42 United States Code (USC)
Section 12101 et seq. – Prohibits discrimination on the
basis of disability.

Title IX of the Education Amendments of 1972,
20 United States Code (USC)
Section 1681 et seq. – Prohibits discrimination on the
basis of sex.

New York State Executive Law
Section 290 et seq. - Prohibits discrimination on the
basis of age, race, creed, color, national
origin, sex, disability or marital status.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621.

Military Law Sections 242 and 243

Personnel

SUBJECT: SEXUAL HARASSMENT

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits all forms of sexual harassment by employees. Generally, sexual harassment is defined as unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.

The Board acknowledges that in determining whether sexual harassment has occurred, the perspective of the victim as well as the offender's conduct and/or intention should be evaluated.

Any employee who believes that he/she has been subjected to sexual harassment shall report all incidents of such conduct to the District's designated complaint officer through informal and/or formal complaint procedures developed by the District. In the event that the complaint officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, if the District has knowledge of or has reason to know of any alleged sexual harassment, the District is obligated, even in the absence of a complaint, to investigate such conduct promptly and thoroughly.

Based upon the results of the District's investigation, immediate corrective action will be taken, up to and including termination of the offender's employment in accordance with contractual and legal guidelines. The Board prohibits any retaliatory behavior directed against complainants and/or witnesses. Follow-up inquiries shall be made to ensure that harassment has not resumed and that the victim and/or witnesses have not suffered retaliation.

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SUBJECT: SEXUAL HARASSMENT (Cont'd.)

Regulations will be developed for resolving sexual harassment complaints. Such regulations shall be developed in accordance with law and any applicable collective bargaining agreement(s). The Superintendent/designee(s) shall affirmatively discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct and explain the sanctions for harassment. A copy of this policy and its accompanying regulations shall be available upon request to all employees, and may be posted at various locations throughout the School District.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section
2001-e et seq.

Title IX of the Education Amendments of 1972,
20 United States Code (USC)
Section 1681 et seq.

Personnel

SUBJECT: NON-DISCRIMINATION OF EMPLOYEES

The Board of Education is committed to safeguarding the rights of all employees of the School District to work in an environment free of any form of discrimination on the basis of age, color, creed, disability, marital status, national origin, race, religion, sex or sexual orientation. Discrimination can take many forms including, but not limited to, exclusion, unequal access to promotion or advancement, unequal assignment of jobs, threatening or insulting language based on an individual's membership in a group, and physical assault. The Board notes that most forms of discrimination violate local, state and federal laws.

Any employee who believes that he/she has been a victim of discrimination in violation of the policy should promptly report the alleged discrimination to the District's designated complaint officer so that appropriate corrective action may be taken at once. In the event that the complaint officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority.

All complaints of discrimination shall be promptly and thoroughly investigated by those individuals so designated by the Superintendent's regulations. In the event that the Board learns of alleged discrimination, or has reason to believe that such alleged discrimination has occurred, the Board will, on its own initiative, ensure that a thorough investigation is conducted by the appropriate individuals.

If the investigation reveals that discrimination has occurred, appropriate disciplinary measures shall be taken against the person or persons who have engaged in alleged discrimination.

The Superintendent of School shall develop administrative regulations to implement this policy. Copies of this policy shall be distributed to all employees and posted in appropriate places.

Personnel

SUBJECT: ALCOHOL, DRUGS AND OTHER SUBSTANCES (SCHOOL PERSONNEL)

The Board of Education, recognizing that students are often influenced by teachers and other members of a school's staff, impresses upon staff members the importance of maintaining a high level of professionalism appropriate to their position, which, in turn, shall set a positive example for students.

The Board, therefore, prohibits the consumption, sharing and/or selling, use and/or possession of illegal drugs, counterfeit and designer drugs or alcoholic beverages in the workplace, or when the effects of such drugs may impair an employee's job performance. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

Information about any drug and alcohol counseling and/or rehabilitation programs shall be made available to employees. Data will also include the range of penalties, (consistent with local, state and federal law), up to and including termination of employment and referral for prosecution that will be imposed on employees who have transgressed the terms of this policy.

Additionally, confidentiality shall be insured as required by state and federal law.

The Superintendent or his/her designee shall biennially review the drug and alcohol abuse prevention program to determine its effectiveness and support appropriate modifications, as needed.

Education Law Sections 913, 1711(5)(e), and 3020-a
Civil Service Law Section 75
Drug-Free Schools and Communities Act
Amendment of 1989
(Public Law 101-226)
20 United States Code (USC) Section 3171 et seq.

Adopted: 6/11/01

Personnel

SUBJECT: DRUG-FREE WORKPLACE

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

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

In addition to complying with Federal legislation regarding the use of drugs, the Board of Education prohibits any employee acting within the scope of his/her employment from being under the influence, using or having in his or her possession or distributing in any way alcohol on school property or at school sponsored activities off school property.

Drug-Free Workplace Act of 1988
(DFWA P.L. 100-690)

Adopted: 6/11/01

SUBJECT: CORPORAL PUNISHMENT

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

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

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

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

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

Rules of the Board of Regents
Section 19.5
8 New York Code of Rules and Regulations
(NYCRR) Section 100.2(1)(3)

SUBJECT: CHILD ABUSE

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

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

- a) Mandatory reporting of child abuse/neglect;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report; and
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child.

Additionally, an ongoing training program for all professional staff shall be established and implemented to enable such staff to carry out their reporting responsibilities.

Social Services Law Sections 411-428
Family Court Act Section 1012
Education Law Section 3209-a

Adopted: 6/11/01

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature when:

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, as well as staff-to-staff.

(Continued)

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Based upon the results of the investigation, if the District determines that an employee and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Student Code of Conduct, and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).

Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

(Continued)

Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

The Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to sexual harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for training in the investigation of sexual harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.

34 Code of Federal Regulations (CFR)
Section 100 et seq.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2001e et seq.

The Civil Rights Act of 1991
42 United States Code (USC) Section 1981(a)

29 Code of Federal Regulations (CFR)
Section 1604.11(a)

Executive Law Sections 296 and 297

SUBJECT: SUICIDE

The suicide of a student has an extremely disturbing effect on the school and the local community. Unfortunately, there has been a significant increase in the number of adolescents who choose suicide as a way to resolve their problems. It is the intent of this district to alert school personnel to the implications of suicide by a student, to help the school and the community cope with the aftermath of such a tragic event should it occur, to recommend ways of identifying children and adolescents at risk of attempting suicide and to suggest ways to prevent such occurrences.

Suicide prevention will be incorporated into the curriculum to make students aware of this growing problem. This will be done in a manner so as not to glamorize the situation but to educate students in regard to this policy.

The administration is responsible for informing staff of regulations and procedures of suicide prevention, intervention, and post-intervention that have been developed by the administration.

Students

SUBJECT: RACIAL HARASSMENT (STUDENTS)

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide for all District students an environment that is free of racial harassment and intimidation. Racial harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits any type of racial harassment by employees, students, visitors, guests, or others.

Racial harassment of students occurs when:

- a) An agent or employee of the District, acting within the scope of his or her official duties, has treated a student differently on the basis of race, color, or national origin in the context of an educational program or activity without a legitimate, nondiscriminatory reason so as to interfere with or limit the ability of the student to participate in or benefit from the services, activities or privileges provided by the School District. This is referred to as "different treatment" racial harassment.
- b) The District creates or is responsible for a racially hostile environment -- i.e., harassing conduct (e.g., physical, verbal, graphic, or written) that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by the District. The District has subjected an individual to different treatment on the basis of race if it has effectively caused, encouraged, accepted, tolerated or failed to correct a racially hostile environment of which it has actual or constructive notice. This is referred to as "hostile environment" racial harassment.

The Board acknowledges that in determining whether racial harassment has occurred, the relevant characteristics and circumstances of the victim -- especially the victim's race and age -- will be taken into account when evaluating the severity of racial incidents in the School District. If it is determined that the harassment was sufficiently severe so that it has adversely affected the enjoyment of some aspect of the District's educational program by a reasonable person, of the same age and race as the victim, under similar circumstances, the existence of a hostile environment will be found.

Any student who believes that he/she has been subjected to racial harassment shall report all incidents of such conduct to the District's designated complaint officer through informal and/or formal complaint procedures developed by the District. In the event that the complaint officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority. All such reports will be kept as confidential as possible.

(Continued)

Students

SUBJECT: RACIAL HARASSMENT (STUDENTS) (Cont'd.)

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, if a District has knowledge of or has reason to know of any alleged racial harassment, the District is obligated, even in absence of a complaint, to investigate such conduct promptly and thoroughly.

Based upon the result of the District's investigation, immediate corrective action will be taken. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures will be applied up to and including suspension.

The Board prohibits any retaliatory behavior directed against complainants and/or witnesses. Follow-up inquiries shall be made to ensure that harassment has not resumed and that the victims and/or witnesses have not suffered retaliation.

The District shall take all appropriate measures to prevent the occurrence or continuation of any type of racial harassment and shall implement remedial or corrective action where necessary.

Regulations will be developed for resolving racial harassment complaints by students. The Superintendent/designee(s) shall affirmatively discuss the topic of racial harassment with all employees and students, express the District's condemnation of such conduct and explain the sanctions for racial harassment. Furthermore, the District will provide racial awareness training for all employees and students, and will provide counseling for the victims of racial harassment. A copy of this policy and its accompanying regulation shall be posted in appropriate places and available upon request to all employees and students.

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2001-d et seq. - Prohibits
discrimination on the basis of race, color,
or national origin
34 Code of Federal Regulations (CFR) Part 100

Adopted: 6/11/01

Students

SUBJECT: CONDITIONAL APPOINTMENTS

No non-instructional employee conditionally appointed shall be in contact with small groups of students, or individual students, unless accompanied by an employee who has been unconditionally appointed or unless the building principal provides express permission.

No teacher conditionally appointed shall close his or her door at any time when students are present in the classroom, unless accompanied by another teacher or administrator who has been unconditionally appointed or unless the building principal provides express permission.

No administrator conditionally appointed shall close his or her office door at any time when students are present in the office, unless accompanied by another administrator or teacher who has been unconditionally appointed or unless the superintendent of schools provides express permission.

Conditionally appointed staff will be advised that if there is a need to meet individually with students, such meetings shall be scheduled with the principal or his/her designee in attendance.

For the purpose of this policy, the term “conditionally appointed” shall refer to any employee holding conditional or emergency conditional appointment, as defined in Section 1709 of the Education Law.

Adoption Date: August 27, 2001

Instruction

SUBJECT: EQUAL EDUCATION OPPORTUNITIES

It is the policy of this District that each student attending its public schools shall have equal educational opportunities and will not be excluded or prevented from participating in or having admittance to the educational courses, programs or activities; school services; and extracurricular events on the basis of race, color, creed, national origin, political affiliation, sex, age, marital status, disability, sexual orientation, or ability to pay.

Administration shall establish grievance procedures that provide for the prompt and equitable resolution of complaints pertaining to discrimination on the basis of race, color, creed, national origin, political affiliation, sex, age, marital status, disability, sexual orientation or ability to pay.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2001-e, et seq. – Prohibits discrimination on
the basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2001-d, et seq. – Prohibits discrimination on
the basis of race, color or national origin.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC)
Section 794 et seq.;
The Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq. –
Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972,
20 United States Code (USC)
Section 1681 et seq. – Prohibits discrimination on the
basis of sex.

New York State Executive Law
Section 290 et seq. - Prohibits discrimination on the
basis of age, race, creed, color, national origin, sex,
disability or marital status.

Age Discrimination in Employment Act,
29 United States Code Section 621.

Adopted: 6/11/01

SUBJECT: CAREER (OCCUPATIONAL) EDUCATION

The Board of Education recognizes the need for career education and reaffirms its policy of strengthening the local high school career education program through utilization of any available federal and state funds for that purpose and of supporting the BOCES program.

Equal Opportunity

The Board of Education prohibits discrimination on the basis of sex, race, color, national origin or disability in any career education program or activity of this District.

The career education program and/or activities shall be readily accessible to students with disabilities.

Public Notification

Prior to the beginning of each school year or academic semester, the District shall issue an appropriate public announcement which advises students, parents, employees and the general public that career education opportunities will be offered without regard to sex, race, color, national origin or disability. Included in such announcement will be the name, address, and telephone number of the person designated to coordinate Title IX/Section 504/ADA activities.

Grievance Procedure

Grievance procedures for resolving complaints regarding discrimination based on sex and/or disability shall be disseminated to adequately inform students, parents and employees of the existence of these procedures.

BOCES Advisory Council

In accordance with Education Law, the Advisory Council of the BOCES is designated as the local Advisory Council for career education in the School District.

Education Law Article 93
8 New York Code of Rules and Regulations
(NYCRR) Sections 100.2(h) and 141 et seq.

Adopted: 6/11/01