



## **POLICY AGREEMENT**

I certify that I received a copy of the following listed District Policies. Furthermore, I understand that such policies provide a complaint procedure to follow if I believe that I have been subjected to discrimination, harassment and/or retaliation, I will report to my building principal or the Assistant Superintendent of Human Resources (the District's complaint officer). In the event that the complaint office is the offender, the complainant shall report his/her complaint to the Assistant Superintendent for Exceptional Education and Student Services. All such complaints will remain confidential to the extent possible during the investigatory process.

<b><u>POLICY SUBJECT</u></b>	<b><u>NUMBER</u></b>
Smoking/Tobacco Use	5640
Code of Ethics for Board Members and All District Personnel	6110
Equal Employment Opportunity	6120
Sexual Harassment of District Personnel	6121
Complaints and Grievances by Employees	6122
Alcohol, Drugs and Other Substances (School Personnel)	6150
Drug-Free Workplace	6151
Safety of Students (Fingerprinting Clearance of New Hires)	6170
Staff-Student Relations (Fraternization)	6180
Staff Use of Computerized Information Resources	6410
Employee Assistance Program (EAP)	6530
Family and Medical Leave Act	6551
Code of Conduct	7310
Sexual Harassment of Students	7551

Employee Name (Please Print): \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

All employees of the Williamsville Central School District are Required to sign this acknowledgement of receipt. Any employee refusing to sign, may face disciplinary action. If an employee is unable to read, sign or understand this acknowledgement, that employee's supervisor will read the document, word for word, to the employee and frequently check for understanding. If the employee does not comprehend, the supervisor will report the information to the Assistant Superintendent for Human Resources.

**SUBJECT: 5640 SMOKING/TOBACCO USE****School Grounds**

Tobacco use will not be permitted and no person will use tobacco on school grounds or within 100 feet of the entrances, exits, or outdoor areas of any public or private elementary or secondary schools. However, this does not apply to smoking in a residence, or within the real property boundary lines of residential real property. For purposes of this policy, "school grounds" means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary or secondary school's legally defined property boundaries as registered in the County Clerk's Office; as well as all District vehicles, including vehicles used to transport children or school personnel.

"Tobacco" is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless or dissolvable tobacco and any other smoking or tobacco product, (sticks, orbs, snus, strips, smokeless, dip, chew, snus and/or snuff) in any form.

The District also prohibits use of electronic cigarettes or e-cigarettes, and any refill, cartridges and any other component of an electronic cigarette or e-cigarette (collectively known as e-cigarette) on school grounds or in District vehicles.

The use of vaporizers or any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.

Smoking is prohibited at all playgrounds. Smoking within 100 feet of entrances and exits of elementary schools is also prohibited.

**Off-School Grounds**

Tobacco use and e-cigarette use is prohibited by students, staff, chaperones and other youth or adult participants at any school sponsored event or activity off school grounds.

**Posting/Notification of Policy**

In compliance with the New York State Clean Indoor Air Act, the District will prominently post its Smoking/Tobacco Use policy and signs prohibiting all forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employee. The District will also designate a school official to tell individuals who smoke in a non-smoking area that they are in violation of the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994, and District policy.

(Continued)

**SUBJECT: 5640 SMOKING/TOBACCO USE (Continued)**

The District will also ensure that this policy is communicated to staff, students, parents/guardians, volunteers, and visitors as deemed appropriate in order to orient all persons to the District's "No Tobacco Use" Policy and environment.

**Prohibition of Tobacco Promotional Items/Tobacco Advertising**

Tobacco promotional items (e.g., brand names, logos, and other identifiers) are prohibited:

- a. On school grounds;
- b) In school vehicles;
- c) At school sponsored events, including those that take place off school premises and in another state;
- d) In school publications;
- e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the District *Code of Conduct* and applicable collective bargaining agreements.

In addition, tobacco advertising and marketing are also prohibited in all school sponsored publications and at all school sponsored events. The District will request, ad-free publications for school libraries and classroom use.

**Tobacco Distribution**

Distribution, sharing or sale of tobacco including any smoking devise is prohibited on school property, grounds and at any school-sponsored event.

Safe and Drug-Free Schools and Communities Act, 20 USC § 7101 et seq.

Pro-Children Act of 2001, 20 USC §§ 7181-7184, as amended by the Every Student Succeeds Act (ESSA) of 2015

Education Law §§ 409, 2801(1) and 3020-a

Public Health Law Article 13-E, Article 13-F, §§ 1399-aa(13), 1300-o

Note: Refer also to Policies:

#3280 – Use of School Facilities, Materials and Equipment

#3410 – Code of Conduct

#7320 – Alcohol, Tobacco, Drugs, and Other Substances

#8210 – Safety Conditions and Prevention Instruction

District *Code of Conduct*

Adoption Date: 7/7/09

Revised Policy Adopted: 12/12/17

**SUBJECT: 6110 CODE OF ETHICS FOR BOARD MEMBERS and ALL DISTRICT PERSONNEL****General Provisions**

Pursuant to the provisions of General Municipal Law Section 806, the Board of Education of the Williamsville Central 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 policy 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 policy, as adopted, shall not conflict with, but shall be in addition to any prohibition of General Municipal Law Sections 800-809 or any other general or special law relating to ethical conduct and interest in contracts of Board members and employees.

**Standards of Conduct**

Every Board member or employee of the Williamsville Central School District shall be subject to and abide by the following standards of conduct:

Gifts

Pursuant to General Municipal Law Section 805-a, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars (\$75) or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence him/her in the performance of official duties or was intended as a reward for any official action on his/her part.

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.

Disclosure of Interest in Contracts

Any District officer or employee, as well as his/her spouse, who has, will have, or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement or other agreement, including oral agreements, with the District shall publicly disclose the nature and extent of such interest in writing to his/her immediate supervisor and to the Board of Education as soon as he/she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the Board minutes.

(Continued)

**SUBJECT: 6110 CODE OF ETHICS FOR BOARD MEMBERS and ALL DISTRICT PERSONNEL (Cont'd.)**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.

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.

Disclosure of interest in resolution

To the extent that he/she knows thereof, a member of the Board of Education or employee of the Williamsville Central 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.

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.

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.

Future employment

He/she shall not, after the termination of service or employment with the District, appear before any board or agency of the Williamsville Central 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.

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**SUBJECT: 6110 CODE OF ETHICS FOR BOARD MEMBERS and ALL DISTRICT PERSONNEL (Cont'd.)**

## **Legal Remedies**

### District Officers

In accordance with the Penal Law Section 60.27(5), if a District officer is convicted of a violation against the District under Penal Law Article 155 relating to larceny, the courts may require an amount of restitution up to the full amount of the offense or reparation up to the full amount of the actual out-of-pocket loss suffered by the District.

### Board Members and Employees

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 Williamsville Central 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.

## **Distribution/Posting of Code of Ethics**

The Superintendent of the Williamsville Central School District shall cause a copy of this code of ethics to be distributed to every Board member and employee of the District within thirty (30) days after the effective date of this policy. 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 General Municipal Law Sections 800-809 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 Sections 800-809, shall have no effect on the duty of compliance with such code of ethics or General Municipal Law Sections 800-809, nor with the enforcement of provisions thereof.

## **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.

Education Law §410  
General Municipal Law Article 18 and Article 18 and §803  
Labor Law §201-d  
Penal Law Article 155 and §60.27(5)

Adoption Date: 7/7/09

**SUBJECT: 6120 EQUAL EMPLOYMENT OPPORTUNITY**

The Williamsville Central School District is an equal opportunity employer and does not discriminate against any employee or applicant for employment in its programs and activities on the basis of race, color, national origin, sex, disability, or age. Further, the District does not discriminate on the basis of religion or creed, sexual orientation, military status, genetic status, marital status, domestic violence victim status, criminal arrest or conviction record, or any other basis prohibited by state or federal non-discrimination laws.

**Investigation of Complaints and Grievances**

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of discrimination, and will promptly take appropriate action to protect individuals from further discrimination. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District; Policy #6121 -- Sexual Harassment of District Personnel; Policy #6122 -- Employee Grievances; and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

**Prohibition of Retaliatory Behavior**

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 discrimination. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination have not suffered retaliation.

Age Discrimination in Employment Act, 29 USC §621

Americans with Disabilities Act, 42 USC §12101 et seq.

Genetic Information Non-Discrimination Act of 2008 (GINA) Public Law 110-233

§504 of the Rehabilitation Act of 1973, 29 USC §794 et seq.

Title VI of the Civil Rights Act of 1964, 42 USC §2000d et seq.

Title VII of the Civil Rights Act of 1964, 42 USC §2000e et seq.

Title IX of the Education Amendment of 1972, 20 USC §1681 et seq.

Civil Rights Law §40-c, Civil Service Law §75-B, Executive Law §290 et seq., Military Law §242 and §243

Adoption Date 7/7/09, Revision Date: 11/17/09, Revision Date: 12/08/09, Revision Date: 3/10/15

## **SUBJECT: 6121 SEXUAL HARASSMENT OF DISTRICT PERSONNEL**

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against District personnel by employees, school volunteers, students, and non-employees, such as contractors and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises.

### **Sexual Harassment**

**Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes harassment on the basis of sex when:**

- a. Submission of 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 a basis for employment decisions affecting such individuals; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment includes, but is not limited to, sexual violence. For the purpose of this policy, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, supervisors, co-workers or third parties such as visitors and school volunteers.

### **Prohibited Conduct**

**Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:**

- a. Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features
- b. Direct or indirect threats or bribes for unwanted sexual activity.
- c. Asking or commenting about a person's sexual activities.
- d. Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.

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**SUBJECT: 6121 SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

- e. Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- f. The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
- g. Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- h. Unwelcome and/or offensive public displays of sexual/physical affection.
- i. Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- j. Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.
- k. Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

### **Investigation of Complaints and Grievances**

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work 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 to the District's designated Civil Rights Compliance Officer. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment, and will promptly take appropriate action to protect individuals from further harassment. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District; and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

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**SUBJECT: 6121 SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Cont'd.)**

## **Prohibition of Retaliatory Behavior**

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. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation.

Civil Rights Act of 1941, 42 USC §1981(a)  
29 CFR §1604.11(a)  
Civil Service Law §75-B  
Executive Law §296 and §297  
Title VII of the Civil Rights Act of 1964, 42 USC §2000 et seq.  
Title IX of the Education Amendments of 1972, 20 USC §1681 et seq.  
34 CFR §100 et seq.

Adoption Date: 7/7/09  
Revision Adopted: 5/22/12  
Revised Policy Adopted: 3/10/15

**SUBJECT: 6122 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 (2) 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.

**Prohibition of Retaliatory Behavior**

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 discrimination. Follow-up inquiries shall be made to ensure that discrimination has not resumed and that all those involved in the investigation of the discrimination complaint have not suffered retaliation.

**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/guardian, 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, religion, national origin, political affiliation, sexual orientation, age, military status, veteran status, marital status or predisposing genetic characteristics.

Age Discrimination in Employment Act, 29 USC §621

Americans with Disabilities Act, 42 USC §12101 et seq. Prohibits discrimination on the basis of disability.

§504 of the Rehabilitation Act of 1973, 29 USC §794 et seq.

Title VI of the Civil Rights Act of 1964, 42 USC §2000d et seq. Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 USC §2000e et seq. Prohibits discrimination on the basis of race, color, religion, sex or national origin. Title IX of the Education Amendment of 1972, 20 USC §1681 et seq. Prohibits discrimination on the basis sex.

Civil Rights Law §40-c. Prohibits discrimination on the basis of race, creed, color, national origin, sex, marital status, sexual orientation or disability. Executive Law §290 et seq. Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, marital status, sexual orientation, disability, military status, predisposing genetic characteristics or marital status.

Note: Refer also to Policy #3420, Adoption Date: 7/7/09

**SUBJECT: 6150 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 and/or alcohol use may impair an employee's job performance.

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 ensured as required by state and federal law.

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

Safe and Drug-Free Schools and Communities Act, as reauthorized by the No Child Left Behind Act of 2001  
20 United States Code (USC) §7101 et seq.  
Civil Service Law §75  
Education Law §913, §1711(2)(e), §2508(5) and §3020-a

Note: Refer also to Policies:

#3410 – Code of Conduct on School Property

#6530 – Employee Assistance Program (EAP)

#7320 – Alcohol, Tobacco, Drugs and Other Substances (Students)

*District Code of Conduct on School Property*

Adoption Date: 7/7/09

**SUBJECT: 6151 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) Sections 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.

"Workplace" is defined as a school building or other school premises; any school-owned vehicle or any other school-approved vehicle used to transport students to and from school or school activities; off school property during any school-sponsored or school-approved activity, event or function, such as a field trip or athletic event, where students are under the jurisdiction of the District.

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.

Drug-Free Workplace Act, 20 United States Code (USC) §7101 et seq.  
21 United States Code (USC) §812  
21 Code of Federal Regulations (CFR) §1308.11-1308.15  
34 Code of Federal Regulations (CFR) Part 85

Note: Refer also to Policies:

#3410 – Code of Conduct on School Property  
#6150 – Alcohol, Drugs and Other Substances (School Personnel)  
#6530 – Employee Assistance Program (EAP)  
#7320 – Alcohol, Tobacco, Drugs and Other Substances (Students)  
*District Code of Conduct on School Property*

Adoption Date: 7/7/09

## **SUBJECT: 6170 SAFETY OF STUDENTS (FINGERPRINTING CLEARANCE OF NEW HIRES)**

Unless otherwise authorized, the District will not employ or utilize a prospective school employee unless the prospective school employee has been granted "full" clearance for employment by the State Education Department (SED). The District will require a prospective school employee who is not in the SED criminal history file database to undergo a fingerprint supported criminal history record background check. "Criminal history record" means a record of all criminal convictions and any pending criminal charges maintained on an individual by the Division of Criminal Justice Services (DCJS) and the Federal Bureau of Investigation (FBI). The District will obtain the applicant's consent to the criminal history records search.

The SED joined the Statewide Vendor Management System (SVMS) operated by MorphoTrust in conjunction with DCJS for the capture and transmission of the fingerprint application, fee, and digital fingerprint images. The District will use the SVMS as directed by SED. The District will still request clearance for employment, view information regarding an applicant's status, and enter hire/termination dates through SED's Web-based application known as TEACH.

### **Safety of Students**

The District will develop internal building and/or program procedures to help ensure the safety of students who have contact with an employee holding conditional appointment or emergency conditional appointment. These procedures will address the safety of students in the classroom, students attending off-campus activities under the supervision of the District, and students participating in extracurricular and/or co-curricular activities (including sports and athletic activities).

Safety procedures to be addressed include, but are not limited to supervision of the employee holding conditional appointment/emergency conditional appointment as determined appropriate by the applicable building/program administrator and periodic visitations by the building/program administrator to the classroom, program, and/or activity assigned to the employee holding conditional appointment/emergency conditional appointment.

Correction Law Article 23-a

Education Law §§305(30), 305(33), 1604, 1709, 1804, 1950, 2503, 2554, 2590-h, 2854, 3004-b, 3004-c, and 3035

Executive Law §296(16)

Social Services Law Article 5, Title 9-B

8 NYCRR §80-1.11 and Part 87

Adoption Date: 7/7/09

Revised Policy Adopted: 8/10/10

Revised Policy Adopted: 3/15/16

**SUBJECT: 6180 STAFF RELATIONS (FRATERNIZATION)**

The Board of Education requires that all School District employees maintain a professional, ethical relationship with District students that is conducive to an effective, safe learning environment; and that staff members act as role models for students at all times, whether on or off school property and both during and outside of school hours. Staff must establish appropriate personal boundaries with students and not engage in any behavior that could reasonably lead to even the appearance of impropriety.

Staff members are prohibited, under any circumstances, to date or engage in any improper fraternization or undue familiarity with students, regardless of the student's age and/or regardless of whether the student may have "consented" to such conduct. Further, employees shall not entertain students or socialize with students in such a manner as to create the perception that a dating relationship exists. Similarly, any action or comment by a staff member which invites romantic or sexual involvement with a student is considered highly unethical, in violation of District policy, and may result in the notification of law enforcement officials and the filing of criminal charges and/or disciplinary action by the District up to and including termination of employment.

Inappropriate employee behavior includes, but is not limited to, flirting; making suggestive comments; dating; requests for sexual activity; physical displays of affection; giving inappropriate personal gifts; frequent personal communication with a student unrelated to course work or official school matters; providing alcohol or drugs to students; inappropriate touching; and engaging in sexual contact and/or sexual relations. ("Frequent personal communication with a student unrelated to course work or official school matters" means any form in which that personal communication may occur including, but not limited to, voice or text-based communication via phone, e-mail, instant messaging, text messaging or through social networking Web sites.)

Even if the student participated "willingly" in the activity (regardless of the student's age), inappropriate fraternization of staff with students is against District policy and may be in violation of professional standards of conduct and New York State Law. However, inappropriate employee conduct does not need to rise to the level of criminal activity for such conduct to be in violation of District rules and subject to appropriate disciplinary sanctions.

Any student who believes that he/she has been subjected to inappropriate staff behavior as enumerated in this policy, as well as students, school employees or third parties who have knowledge of or witness any possible occurrence of inappropriate staff-student relations, shall report the incident to any staff member or either the employee's supervisor, the student's Principal or the District's designated Complaint Officer. In all events such reports shall be forwarded to the designated Complaint Officer for further investigation. Anonymous complaints of inappropriate fraternization of staff members with students shall also be investigated by the District. Investigations of allegations of inappropriate staff-student relations shall follow the procedures utilized for complaints of harassment within the School District. Allegations of inappropriate staff-student behavior shall be promptly investigated and will be treated as confidential and private to the extent possible within legal constraints.

(Continued)

**SUBJECT: 6180 STAFF RELATIONS (FRATERNIZATION) (Cont'd.)**

Any employee having knowledge of or reasonable suspicion that another employee may have engaged in inappropriate conduct with a student that may constitute child abuse (specifically, child abuse in an educational setting) must also follow the District's reporting procedures for such allegations; and such information will be reported by the designated administrator as required by state law to law enforcement officials, the State Education Department and/or Child Protective Services as may be applicable.

If a student initiates inappropriate behavior toward a staff member, that employee shall document the incident and report it to his/her Building Principal or Supervisor.

The District shall promptly investigate all complaints of inappropriate staff-student relations, and take prompt corrective action to stop such conduct if it occurs.

**Prohibition of Retaliation**

The Board of Education prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of allegations of inappropriate staff-student relations. Follow-up inquiries and/or appropriate monitoring shall be made to ensure that the alleged conduct has not resumed and that all those involved in the investigation have not suffered retaliation. Any act of retaliation is subject to appropriate disciplinary action by the District.

**District Responsibility/Training**

The Principal of each school and/or program supervisor shall be responsible for informing students, staff and volunteers of the requirements of this policy, including the duty to report and the procedures established for investigation and resolution of complaints. Further, staff training shall be provided to facilitate staff identification of possible behavior that may constitute inappropriate staff-student relationships. Students shall be provided such training in an age appropriate manner.

The District's policy (or a summary thereof) shall be disseminated as appropriate to staff, students and parents. Further, this topic shall be addressed in the District Code of Conduct.

(Continued)



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## **SUBJECT: 6180 STAFF RELATIONS (FRATERNIZATION) (Cont'd.)**

### **Disciplinary Sanctions**

Any staff member who engages in inappropriate conduct with a student, prohibited by the terms of this policy, shall be subject to appropriate disciplinary measures up to and including termination of employment in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement. A violation of this policy may also subject the employee to criminal and/or civil sanctions as well as disciplinary action by the State Education Department.

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

Education Law Article 23-B

Social Services Law §§ 411-428

8 New York Code of Rules and Regulations (NYCRR) Part 83

Adoption Date: 7/7/09

Revised Policy Adopted: 8/10/10

## **SUBJECT: 6410 STAFF USE OF COMPUTERIZED INFORMATION RESOURCES**

The Board of Education will provide staff with access to various computerized information resources through the District's 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, 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 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. All such agreements shall be kept on file in the District office.

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/electronic communications 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.

(Continued)

## **SUBJECT: 6410 STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**

### **Social Media Use by Employees**

The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach and ensure responsible and safe use of these new technologies. Social media, including social networking sites, have great potential to connect people around the globe and enhance communication. Therefore, 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: Web sites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, and any other social media generally available to the school district community which do not fall within the District's electronic technology network (e.g., Facebook, MySpace, Twitter, LinkedIn, Flickr, blog 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 responsibility for addressing inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

### **Privacy Rights**

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Assistant Superintendent for Technology Services or his/her designee may access all such files and communication without prior notice 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.

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**SUBJECT: 6410 STAFF USE OF COMPUTERIZED INFORMATION RESOURCES (Cont'd.)**

## **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 to provide appropriate guidelines for employee use of the DCS.

Note: Refer also to Policy:

#8270 – Children’s Internet Protection Act: Internet Content Filtering/Safety Policy

6410 - Staff Use of Computerized Information Resourced

7315 – Students Use of Computerized Information Resources (Acceptable Use Policy)

Adoption Date: 7/7/09

Revised Policy Adopted: 8/10/10

Revised Policy Adopted: 5/22/12

Revised Policy Adopted: 12/15/15

**SUBJECT: 6530 EMPLOYEE ASSISTANCE PROGRAM (EAP)**

In collaboration with District collective bargaining units, the Board of Education will provide an Employee Assistance Program (EAP). The major purpose of the program is to assist employees in obtaining help to resolve personal problems in an effective and confidential manner. Staff members will be informed of such services and shall be encouraged to seek such help either voluntarily or in lieu of disciplinary action.

A joint committee made up of employee bargaining organizations' representatives and the Superintendent's designee shall oversee the operation of the program.

The Board of Education will support the organization and conduct of programs and activities aimed at maintaining and improving the general health and welfare of members of the staff.

Note: Refer also to Policy:

#3410 – Code of Conduct on School Property

#6150 – Alcohol, Drugs and Other Substances (School Personnel)

#6151 – Drug-Free Workplace

Adoption Date: 7/7/09

**SUBJECT: 6551 FAMILY AND MEDICAL LEAVE ACT**

The Board of Education, in accordance with the Family and Medical Leave Act of 1993 (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District. The District will compute the twelve-month period according to the following time frame: a "rolling" twelve-month period will be used that is measured backward from the date an employee uses any FMLA leave.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are deemed to meet the 1,250 hour test. The law covers both full-time and part-time employees.

Qualified employees may be granted leave for one (1) or more of the following reasons:

- a) The birth of a child and care for the infant;
- b) Adoption of a child and care for the infant;
- c) The placement with the employee of a child in foster care;
- d) To care for a spouse, child or parent who has a serious health condition as defined by the FMLA;
- e) A serious health condition of the employee, as defined by the FMLA, that prevents the employee from performing his/her job;
- f) Because of "any qualifying exigency" (such term to be defined by regulations issued by the Secretary of Labor) arising out of the fact that the spouse, son, daughter, or parent of the employee is on active duty, or has been notified of an impending call to active duty status, in support of a contingency operation. In the interim, the Department of Labor is encouraging employers to provide this type of leave to qualifying employees.

**Service Member Family Leave**

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative of that individual) of a covered service member who is recovering from a serious illness or injury sustained in the line of duty while on active duty is entitled to up to 26 weeks of leave in a single 12-month period to care for the service member. This military caregiver leave is available during a single 12-month period during which an eligible employee is entitled to a combined total of 26 weeks of all types of FMLA leave.

The term "covered service member" means a member of the Armed Forces, including a member of the National Guard or Reserves.

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**SUBJECT: 6551 FAMILY AND MEDICAL LEAVE ACT (Cont'd.)****Implementation/Benefits**

At the Board of Education's or employee's option, certain types of paid leave may be substituted for unpaid leave.

An employee on FMLA leave is also entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay his/her share during the leave period.

In most instances, an employee has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave.

The Board of Education has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in the denial of FMLA leave. The Board may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition. The Board of Education has the right to deny restoration to employment if the employee does not furnish the certificate of fitness.

**Notice for Leave Due to Active Duty of Family Member**

In any case in which the necessity for leave due to any qualifying exigency is foreseeable, whether because the spouse, or a son, daughter, or parent of the employee is on active duty, or because of notification of an impending call or order to active duty in support of a contingency operation, the employee shall provide such notice to the employer as is reasonable and practicable.

**FMLA Notice**

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building.

Administration is directed to develop regulations to implement this policy, informing employees of their rights and responsibilities under the FMLA.

Family and Medical Leave Act of 1993, Public Law 103-3  
29 Code of Federal Regulations (CFR) Part 825

Adoption Date: 7/7/09

**SUBJECT: 7310 SCHOOL CONDUCT AND DISCIPLINE**

The Board of Education acknowledges its responsibility to protect the educational climate of the District and to promote responsible student behavior. Accordingly, the Board delegates to the Superintendent the responsibility for assuring the implementation of a Code of Conduct for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students as well as teachers, other school personnel, and visitors.

School property shall mean in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of a public elementary or secondary school; or in or on a school bus as defined in Vehicle and Traffic Law Section 142. A school function shall mean a school-sponsored or school-authorized extracurricular event or activity regardless of where such event or activity takes place, including any event or activity that may take place in another state.

The Board shall further provide for the enforcement of such Code of Conduct, which shall be developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other personnel and shall incorporate, at a minimum, those components addressed in law and enumerated in Policy #3410 -- Code of Conduct on School Property. Specific components may vary as appropriate to student age, building levels, and educational needs.

In accordance with the Code of Conduct on School Property, areas addressing student conduct and behavior will further utilize the following strategies in promoting acceptable student behavior:

- a) A bill of rights and responsibilities of students that focuses upon positive student behavior, and is publicized and explained to all students on an annual basis;
- b) A Code of Conduct for student behavior setting forth prohibited student conduct and the range of penalties that may be imposed for violation of such Code, that is publicized and disseminated to all students and parents/guardians on an annual basis pursuant to law;
- c) Strategies and procedures for the maintenance and enforcement of public order on school property that shall govern the conduct of all persons on school premises, in accordance with Education Law Section 2801 and accepted principles of due process of law;
- d) Procedures within each building to involve student service personnel, administrators, teachers, parents/guardians and students in the early identification and resolution of discipline problems. For students identified as having disabilities, procedures are included for determining when a student's conduct shall constitute a reason for referral to the Committee on Special Education for review and modification, if appropriate, of the student's individualized education program;

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**SUBJECT: 7310 SCHOOL CONDUCT AND DISCIPLINE (Cont'd.)**

- e) Alternative educational programs appropriate to individual student needs;
- f) Disciplinary measures for violation of the school policies developed in accordance with subparagraphs b) and c) of this paragraph. Such measures shall be appropriate to the seriousness of the offense and, where applicable, to the previous disciplinary record of the student. Any suspension from attendance upon instruction may be imposed only in accordance with Education Law Section 3214; and
- g) Guidelines and programs for in-service education for all District staff to ensure effective implementation of school policy on school conduct and discipline.

Education Law §2801 and §3214  
8 New York Code of Rules and Regulations (NYCRR) §100.2(1)(2)  
Civil Rights Act of 1991m 42 USC §1981(a)

Note: Refer also to Policy:  
#3410 – Code of Conduct on School Property  
*District Code of Conduct on School Property*

Adoption Date: 7/7/09

## **SUBJECT: 7551 SEXUAL HARASSMENT OF STUDENTS**

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against students by other students, employees, school volunteers, and non-employees such as contractors and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including those that take place on a school bus, school-sponsored transportation or District vehicle, at locations off school premises, or those that take place in another state.

### **Sexual Harassment**

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. For the purposes of this policy, sexual harassment also includes sexual violence. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes, but is not limited to: rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, District employees, or third parties such as visitors or school volunteers.

### **Prohibited Conduct**

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

- a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- b) Direct or indirect threats or bribes for unwanted sexual activity.
- c) Asking or commenting about a person's sexual activities.
- d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.

(Continued)

**SUBJECT: 7551 SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

- f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
- g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- h) Unwelcome and/or offensive public displays of sexual/physical affection.
- i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- j) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.
- k) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.
- l) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

**Investigation of Complaints and Grievances**

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, should immediately report such alleged harassment. The District recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform one of the District Civil Rights Compliance Officers. Where appropriate, the Civil Rights Compliance Officer(s) may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that one of the Civil Rights Compliance Officers is the alleged offender, the report will be directed to the other Civil Rights Compliance Officer, or to the Superintendent of Schools. Should the victim of the harassment wish to speak to a person of the same gender, the Superintendent shall designate a compliance officer accordingly.

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**SUBJECT: 7551 SEXUAL HARASSMENT OF STUDENTS (Cont'd.)**

The School District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District; and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officers, knowingly making false accusations, and possible corrective actions, can be found in Policy #3420 -- Non-Discrimination and Anti-Harassment in the School District and Administrative Regulation #3420R -- Non-Discrimination and Anti-Harassment in the School District.

**Prohibition of Retaliatory Behavior**

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. Complaints of retaliation may be directed to one of the District Civil Rights Compliance Officers. In the event one of the Civil Rights Compliance Officers is the alleged offender, the report will be directed to the other Civil Rights Compliance Officer, or to the Superintendent of Schools.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation

Civil Rights Act of 1991m 42 USC §1981(a)  
Title IX of the Education Amendments of 1972, USC §1681 et seq.  
34 CFR §2801(1)  
OCR Dear Colleague Letter, April 4, 2011

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Revised Policy Adopted: 9/8/15