

Non-Instructional/Business
Opportunities

SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL DISTRICT

The Board may accept gifts, grants and/or bequests of money, real or personal property, as well as other merchandise which, in view of the Board, add to the overall welfare of the School District, provided that such acceptance is in accordance with existing laws and regulations. However, the Board is not required to accept any gift, grant or bequest and does so at its discretion, basing its judgment on the best interests of the District. Furthermore, the Board will not accept any gift, grant or bequest which constitutes a conflict of interest and/or gives an appearance of impropriety.

At the same time, the Board will safeguard the District, the staff and students from commercial exploitation, from special interest groups, and the like.

The Board will not accept any gifts or grants which will place encumbrances on future Boards, or result in unreasonable additional or hidden costs to the District.

The Board of Education will not formally consider the acceptance of gifts or grants until and unless it receives the offer in writing from the donor/grantor. Any such gifts or grants donated to the Board and accepted on behalf of the School District must be by official action and resolution passed by Board majority. The Board would prefer the gift or grant to be a general offer rather than a specific one. Consequently, the Board would suggest that the donor/grantor work first with the school administrators in determining the nature of the gift or grant prior to formal consideration for acceptance by the Board. However, the Board, in its discretion, may direct the Superintendent of Schools to apply such gift or grant for the benefit of a specific school or school program.

The Board is prohibited, in accordance with the New York State Constitution, from making gifts/charitable contributions with School District funds.

Gifts and/or grants of money to the District shall be annually accounted for under the trust and agency account in the bank designated by the Board of Education.

All gifts, grants and/or bequests shall become School District property. A letter of appreciation may be sent to a donor/grantor in recognition of his/her contribution to the School District.

Gift Giving

The Board of Education recognizes that gift giving, especially during the holiday season, may be a common practice for many District employees. Rather than exchanging gifts, the Board strongly encourages District employees and students to show appreciation through written notes or greeting cards.

(Continued)

Non-Instructional/Business
Opportunities

**SUBJECT: ACCEPTANCE OF GIFTS, GRANTS AND BEQUESTS TO THE SCHOOL
DISTRICT (Cont'd.)**

Additionally, all business contacts will be informed that gifts exceeding \$75.00 to District employees will be returned or donated to charity.

New York State Constitution Article 8, Section 1
Education Law Sections 1709(12) and (12-a) and 1718(2)
General Municipal Law Section 805-a(1)

Adopted: 5/24/99

SUBJECT: GUIDELINES FOR USE OF CLAIM FORMS

Claim forms are for the use of employees for reimbursement of their personal use of money for miscellaneous work related expenditures, when it is not feasible or economical to use a purchase order.

The procedures for completing a Claim Form are as follows:

- 1) Claim forms used by employees are not to exceed one hundred fifty dollars (\$150).
- 2) All appropriate original receipts must be attached. Reimbursements will not be approved if copies of receipts are used. In circumstances where a personal check or credit card is used, a copy of the check front and back or credit card statement will be acceptable. If a gift certificate is purchased, a copy of the certificate with the student's name identified on it will also be required with the receipt.
- 3) Only one employee can submit for reimbursement per receipt.
- 4) Proper types of receipts of include:
 - a. Store registers tapes showing the store name/description of item/date.
 - b. Invoices with company letterhead listing the employee as the purchaser and stamped paid in full.
 - c. Employee credit card statement and shipping document (if purchased by phone).
 - d. Copy of front and back of canceled check along with order form or registration form. For meals over \$25, an itemized receipt is required (these receipts are now standard in most restaurants). All costs for alcoholic beverages need to be deducted.
- 5) The complete budget code must be entered.
- 6) Claim forms are not to be used to pay for contractual services such as for bus transportation or field trip admissions. In those cases a purchase order should always be used.
- 7) An administrator's approval is required.

Adopted: 7/31/07

Non-Instructional/Business
Operations**SUBJECT: DISTRICT WELLNESS POLICY**

The District is committed to providing a school environment that promotes and protects children's health, well-being, and the ability to learn by fostering healthy eating and physical activity. The District has established a wellness committee to develop the District's proposed local wellness policy, making such policy recommendations for review and adoption by the Board of Education. The District's wellness committee includes, but is not limited to, representatives from each of the following groups:

- a) Parents;
- b) Students;
- c) The District's food service program;
- d) The School Board;
- e) School administrators; and
- f) Members of the public.

The District Wellness Committee will assess current activities, programs and policies available in the District; identify specific areas of need within the District; develop the policy; and provide mechanisms for implementation, evaluation, revision and updating of the policy. The Wellness Committee is established to represent the local community's perspective in developing the wellness policy for the District.

Goals to Promote Student Wellness

Taking into account the parameters of the School District (academic programs, annual budget, staffing issues, and available facilities) as well as the community in which the District is located (the general economy; socioeconomic status; local tax bases; social cultural and religious influences; geography; and legal, political and social institutions) the Wellness Committee recommends the following District goals relating to nutrition education, physical activity and other school-based activities:

Nutrition Education

The District will provide nutrition education to facilitate the voluntary adoption of healthy eating habits and other nutrition-related behaviors conducive to health and well-being by establishing the following standards for:

- a) Classroom teaching:

The District will teach the New York State K-12 Health Standards and the District's sublearnings. These standards whenever possible will be integrated into other areas of the

(Continued)

Non-Instructional/Business
Operations**SUBJECT: *DISTRICT WELLNESS POLICY (Cont'd.)**

curriculum. If possible electives will be offered that teach wellness concepts such as Food and Nutrition and Nutrition and Exercise. A committee of teachers and administrators will periodically review health standards and provide new emphasis on nutrition, healthy body image, weight management and eating disorders.

- a) Education, marketing and promotion links outside the classroom:

The District will have an integrated school, parent and community approach that establishes a collaborative partnership within the larger school community to enhance the health and well-being of students. The District will use age appropriate programs in various school buildings and cafeterias.

- b) Fundraising activities:

It is encouraged that all foods made available on the school campuses will comply and meet the current USDA Dietary Guidelines for Americans and that fund raising activities support more healthy balanced eating habits. The District understands that the transition into healthier choices requires time and the Wellness Committee will monitor this transition on an annual basis.

- c) Teacher training:

The District will provide the necessary training to the staff responsible for nutrition education. Every effort will be made to provide wellness activities at staff development days to further enhance the health and wellness of staff.

Physical Activity

The District will provide opportunities for every student to develop the knowledge and skills for specific physical activities, to maintain physical fitness, to regularly participate in physical activity, and to understand the short-term and long-term benefits of a physically active and healthy lifestyle.

The Wellness Committee has determined that the following standards are necessary to achieve this goal:

- a) NYS physical education graduation requirements:
2 credits (one half credit per year in grades 9-12).
- b) NYS physical education instructional requirements:
Grades K-3 – Daily physical education
Grades 4 -6 – 3 times per week
Grades 7-12 – 3 class periods per six day cycle

(Continued)

Non-Instructional/Business
Operations**SUBJECT: *DISTRICT WELLNESS POLICY (Cont'd.)**

c) Staff training/certification for physical education:

Ongoing professional development for Physical Education teachers will occur through conferences and coaching classes. Professional growth for all teachers will be encouraged through staff development and education in the areas of nutrition and physical activity.

d) Physical activity outside physical education classes:

Every effort will be made by classroom teachers to engage students in physical activity whenever possible throughout the day. For example, the goal could be to receive fifteen minutes of physical activity every two hours. In addition to required physical education, students at the elementary level should have the opportunity to participate in daily recess and physical activity.

Other School-based Activities

The District wishes to establish a school environment that presents consistent wellness messages and is conducive to healthy eating and physical activity for all. In order to present a coordinated school approach where District decision-making related to nutrition and physical activity encompasses all aspects of the school, the Wellness Committee has determined that the following standards are necessary to achieve this goal:

a) Federal School Meal Programs:

The District will participate to the maximum extent practicable in available federal school meal programs [School Breakfast Program, National School Lunch Program].

b) Access to school nutrition programs:

The District ensures that all eligible children have access to free/reduced price meals in a non-stigmatizing manner by using a computerized point of sale system for the purchase of meals. The District provides meals options that are culturally sensitive and address specific dietary needs.

c) Meal environment:

To the extent practicable, the meal timing and scheduling encourages participation in school nutrition programs. The physical environment of meal serving areas will be conducive to proper eating habits.

a) Community access to District facilities for physical activities:

The District provides facility access to students, families, staff and the community for physical activity.

(Continued)

Non-Instructional/Business
Operations

SUBJECT: *DISTRICT WELLNESS POLICY (Cont'd.)

b) Community involvement:

The District encourages the involvement of family and/or community members in wellness planning beyond the required participation on the Wellness Committee. The District publicizes the Wellness Policy in the annual school calendar and on the school website.

c) Sustainable food practices:

The District encourages environmentally-friendly practices relating to food service in the school and the use of locally grown and seasonal foods.

Assurance

Guidelines for reimbursable school meals shall not be less restrictive than applicable federal regulations and guidance issued pursuant to the Child Nutrition Act and the Richard B. Russell National School Lunch Act, as those regulations and guidance apply to schools.

Implementation and Evaluation of the Wellness Policy

In accordance with law, the District's wellness policy was reviewed on 12/1/14; and the District will ensure school and community awareness of this policy through various means such as publication in District newsletters, the school website, and/or the District calendar. Further, professional development activities for staff and student awareness training will be provided, as appropriate, on the goals of the District's wellness program, including activities/programs for the development of healthy eating habits and the incorporation of physical activity as part of a comprehensive healthy lifestyle.

The District shall establish an implementation and evaluation plan for the wellness policy in order to monitor the effectiveness of the policy and the possible need for further modification over time. Accordingly, the Superintendent shall designate one or more staff members within the District or at each school as appropriate to have operational responsibility for ensuring that the District meets the goals and mandates of its local wellness policy. Designated staff members may include, but are not limited to, the following personnel:

- a) Administrators;
- b) School health personnel including the school nurse and the health and/or physical education teacher; and
- c) School Food Service Director.

These designated staff members shall periodically report to the Superintendent on the District's compliance with the wellness policy (or, if done at the building level, to the School Principal) and the Superintendent shall inform the Board of such findings. The Superintendent/designee shall prepare a

(Continued)

Non-Instructional/Business
Operations**SUBJECT: *DISTRICT WELLNESS POLICY (Cont'd.)**

summary report on District-wide compliance with the District's wellness policy based on input from schools within the District. That report will be provided to the School Board and also distributed to the wellness committee, parent-teacher organizations, Building Principals, and school health services personnel within the District. The report shall also be available to community residents upon request.

These designated school officials will also serve as a liaison with community agencies in providing outside resources to help in the development of nutrition education programs and physical activities.

Evaluation and feedback from interested parties, including an assessment of student, parent, teacher, and administration satisfaction with the wellness policy, is essential to the District's evaluation program. Further, the District shall document the financial impact, if any, to the school food service program, school stores, or vending machine revenues based on the implementation of the wellness policy.

District schools will provide nutrition education and physical education, with an emphasis on establishing lifelong habits of healthy eating and physical activity, and will establish linkages between health education and school meal programs, and with related community services. Communication with and training for teachers, parents, students, and food service personnel will be an integral part of the District's implementation plan.

To the extent practicable, students and parents shall be involved in the development of strategies designed to promote healthy food choices in the school environment; and the school cafeteria will provide a variety of nutritionally sound meal and beverage choices. The school will encourage students' active, age appropriate participation in decisions regarding healthy lifestyles and choices. Positive reinforcement such as letters of recognition and acknowledgment will be utilized as a means to encourage healthy eating patterns among the student population. In addition, the school will share information about the nutritional content of meals with parents and students; such information may be made available on menus, a web site, or such other "point-of-purchase" materials.

Assessments of the District's wellness policy and implementation efforts may be repeated on an annual basis, but it is recommended that such assessment occur no later than every three (3) years, to help review policy compliance, assess progress, and determine areas in need of improvement. The District, and individual schools within the District, will, as necessary, revise the wellness policy and develop work plans to facilitate its implementation.

Hunger-Free Kids Act of 2010
Public Law 11-296
Child Nutrition and WIC Reauthorization Act of 2004
Public Law Section 108-265 Section 204
Richard B. Russell National School Lunch Act
42 United States Code (USC) Section 1751 et seq.
Child Nutrition Act of 1966
42 United States Code (USC) Section 1771 et seq.
7 Code of Federal Regulations (CFR) Section 210.10
http://www.access.gpo.gov/nara/cfr/waisidx_05/7cfr210_05.html

Adopted: 6/20/06
Amended: 2/11/15

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 Cheektowaga 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 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 Cheektowaga Central School District shall be subject to and abide by the following standards of conduct:

(a) Gifts. Pursuant to Section 805-a of the General Municipal Law, he/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of seventy-five dollars 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.

(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.

(Continued)

Personnel

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

(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 Cheektowaga 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.

(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 Cheektowaga 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.

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 Cheektowaga 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.

Section 4. Distribution/Posting of Code of Ethics. The Superintendent of the Cheektowaga Central 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: 5/24/99

Personnel

SUBJECT: TESTING MISCONDUCT AND MANDATORY REPORTING REQUIREMENTS

School District employees are expressly prohibited from: engaging in testing misconduct, as that term is described in the Regulations of the Commissioner of Education; assisting in the engagement of, or soliciting another to engage in testing misconduct; and/or the knowing failure to report testing misconduct. When committed by an employee of the School District in a position for which a teaching or school leader certificate is required, such actions or inactions will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations. A School District employee in a position for which a teaching or school leader certificate is not required who commits an unlawful act in respect to examination and records will be subject to disciplinary action by the Board of Education in a manner consistent with New York State law and regulation.

School District employees will report to the State Education Department any known incident of testing misconduct by a certified educator or any known conduct by a non-certified individual involved in the handling, administration or scoring of state assessments in violation of New York State law. Such report will be made in accordance with directions and procedures established by the Commissioner for the purpose of maintaining the security and confidential integrity of State assessments.

The School District will not dismiss or take other disciplinary or adverse action against an employee because he/she submitted a report regarding testing misconduct to the State Education Department. Any such adverse action by an individual holding a teaching or school leader certificate will be deemed to raise a reasonable question of moral character under Part 83 of the Commissioner's Regulations and may be referred to the Office of School Personnel Review and Accountability at the State Education Department.

8 NYCRR Section 102.4

Adopted: 9/9/14

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE

The District is committed to maintaining a discrimination-free work environment. Sexual harassment is one form of workplace discrimination. This policy addresses sexual harassment in the workplace and is one component of the District's commitment to a discrimination-free work environment. The District will provide this policy to all employees in writing. The District will post this policy prominently throughout the District to the extent practicable.

Sexual harassment is a form of employee misconduct, a violation of District policy, and unlawful. Employees of every level who engage in sexual harassment, including supervisory personnel who engage in sexual harassment, who knowingly allow such behavior to continue, or fail to report suspected sexual harassment will be subject to remedial and/or disciplinary action by the District. Sexual harassment may also subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability.

This policy applies to all instances of sexual harassment perpetrated against a "covered person," regardless of immigration status, by anyone in the workplace, including a co-worker, supervisor, or third-party such as a non-employee, paid or unpaid intern, vendor, building security, visitor, volunteer, parent, or student. For purposes of this policy, a "covered person" includes:

- a) Employees;
- b) Applicants for employment;
- c) Paid or unpaid interns; and
- d) Non-employees, which include anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or other person providing services pursuant to a contract in the workplace.

Sexual harassment in the workplace can occur between any individuals, regardless of their sex or gender. Unlawful sexual harassment is not limited to the physical workplace itself. Sexual harassment can occur on school grounds, school buses or District vehicles, and at school-sponsored events, programs, or activities, including those that take place at locations off school premises. It can also occur while employees are traveling for District business. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment, even if they occur away from school grounds, on personal devices, or during non-work hours.

What Constitutes Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

- a) 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, even if the reporting individual is not the intended target of the sexual harassment;
- b) Such conduct is made either explicitly or implicitly a term or condition of employment; or
- c) Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

Any covered person who feels harassed should report the conduct so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

Examples of Sexual Harassment

The following describes some actions that may constitute unlawful sexual harassment and that are strictly prohibited:

- a) Physical acts of a sexual nature, such as:
 1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 2. Rape, sexual battery, molestation or attempts to commit these assaults.
- b) Unwanted sexual advances or propositions, such as:

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

1. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments; and
2. Subtle or obvious pressure for unwelcome sexual activities.
- c) Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- d) Sex stereotyping, which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- e) Sexual or discriminatory displays or publications anywhere in the workplace, such as pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- f) Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 1. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 2. Sabotaging an individual's work; and
 3. Bullying, yelling, or name-calling.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Unlawful retaliation can be any action that could discourage a covered person from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

The District prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participate in the investigation of a complaint of sexual harassment. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

- a) Made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- b) Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- c) Opposed sexual harassment by making a verbal or informal complaint of harassment to a supervisor, building principal, other administrator, or the Civil Rights Compliance Officer (CRCO);
- d) Reported that another employee has been sexually harassed; or
- e) Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any covered person who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, building principal, other administrator, or the CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior.

Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is posted on the District website, and all covered persons are encouraged to use this complaint form. Persons who are reporting sexual harassment on behalf of another person should use the complaint form and note that it is being submitted on another person's behalf.

Any person who believes they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

All supervisors, building principals, and other administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to the CRCO. In the event the CRCO is the alleged harasser, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity, or to the Superintendent.*

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors, building principals, and other administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors, building principals, and other administrators will also be subject to discipline for engaging in any retaliation.

Investigating Complaints

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. Disclosure may, however, be necessary to complete a thorough investigation of the charges and/or notify law enforcement officials. All persons involved, including complainants, witnesses, and alleged harassers will be accorded due process, as outlined below, and in accordance with any applicable collective bargaining agreements to protect their rights to a fair and impartial investigation.

The District will not tolerate retaliation against anyone who files complaints, supports another's complaint, or participates in an investigation regarding a violation of this policy.

While the process may vary from case to case, investigations should be done in accordance with the following steps:

- a) Upon receipt of a complaint, the CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. In the event that the CRCO is the alleged harasser, the complaint will be directed to another CRCO or District designee for investigation.
- b) If a complaint is verbal, encourage the individual to complete the complaint form, which is available on the District website, in writing. If he or she refuses, prepare a complaint form based on the verbal reporting.
- c) If documents, emails, or phone records are relevant to the investigation, take steps to obtain and preserve them.
- d) Request and review all relevant documents, including all electronic communications.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- e) Interview all parties involved, including any relevant witnesses. If a student is involved, the District will follow all applicable District policies and procedures regarding questioning students.
- f) Create written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - 1. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - 2. A list of names of those interviewed, along with a detailed summary of their statements;
 - 3. A timeline of events;
 - 4. A summary of prior relevant incidents, reported or unreported; and
 - 5. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
- g) Keep the written documentation and associated documents in a secure and confidential location.
- h) Promptly notify the individual who reported and the individual(s) about whom the complaint was made of the final determination and implement any corrective actions identified in the written document.
- i) Inform the individual who reported of the right to file a complaint or charge externally as outlined in the next section.

If an investigation reveals that discrimination or harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable laws and regulations, as well as any and all relevant codes of conduct, District policies and administrative regulations, collective bargaining agreements, and/or third-party contracts.

Annual Training

The District will provide a sexual harassment prevention training program to all employees on an annual basis. The training will be interactive and will include:

- a) An explanation of sexual harassment consistent with guidance issued by the Department of Labor in consultation with the Division of Human Rights;
- b) Examples of conduct that would constitute unlawful sexual harassment;

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

- c) Information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment;
- d) Information concerning employees' rights of redress and all available forums for adjudicating complaints; and
- e) Information addressing conduct by supervisors and any additional responsibilities for such supervisors.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District but is also prohibited by state, federal, and, where applicable, local law.

Aside from the District's internal process, individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, an individual may seek the legal advice of an attorney.

In addition to those outlined below, individuals may have additional legal protections.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects covered persons, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file with DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from the date of the most recent incident of harassment.

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. Individuals may call (718) 741-8400 or visit: www.dhr.ny.gov.

Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 USC § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An individual alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any federally funded education program or activity. The U.S. Department of Education's Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972.

For more information about how to file a complaint, contact OCR at 800-421-3481 (TDD 800-877-8339) or visit: <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The website contains information about filing the complaint online, by mail, or by email.

(Continued)

SUBJECT: SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists.

Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

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

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

29 CFR § 1604.11(a)

34 CFR Subtitle B, Chapter I

Civil Service Law § 75-B

Executive Law Article 15

Labor Law § 201-g

NOTE: Refer also to Policies #3420 -- Non-Discrimination and Anti-Harassment in the District
#6122 -- Employee Grievances
#7551 -- Sexual Harassment of Students

Adopted: 5/24/99

Amended: 10/9/18

Personnel

SUBJECT: STAFF-STUDENT 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 (via phone, e-mail, letters, notes, etc.) 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.

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.

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

(Continued)

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

(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.

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.

(Continued)

2004

6122
3 of 3

Personnel

SUBJECT: STAFF-STUDENT RELATIONS (FRATERNIZATION) (Cont'd.)

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et
seq.
Education Law Article 23-B
Social Services Law Sections 411-428
8 New York Code of Rules and Regulations
(NYCRR)
Part 83

Adopted: 10/12/04

SUBJECT: EMPLOYEE TRAVEL

Rules Relating To All Employee Travel

- 1) Meal expenses for overnight travel will only be reimbursed based on a per diem rate as outlined below. Expenses for overnight-approved travel will be reimbursed when accompanied by original receipts for lodging and other reimbursable expenses.
 - a. The United States General Services Administration publishes on the following website the per diem meals rates for all major cities in the United States.
<http://www.gsa.gov>.

The following table lists the current per diem rate for some of the major New York regions along with an explanation of the breakdown of these per diem rates. For out-of-State travel, please call the Business Office for rates.

These rates will be reviewed on an annual basis, and any appropriate changes will be made.

When completing Travel Conference Reimbursement Forms, contact the Business Office with any questions.

<u>City</u>	<u>Meals and Incidental Expenses (Full Day)</u>
Albany.....	\$61
Buffalo.....	56
Glens Falls.....	66
Ithaca.....	46
New York City Area:	
- Bronx.....	71
- Brooklyn.....	71
- Manhattan.....	71
- Queens.....	71
- Staten Island.....	71
Nassau.....	66
Suffolk County.....	71
Rochester.....	51
Syracuse.....	56

(Continued)

Personnel

SUBJECT: EMPLOYEE TRAVEL (Cont'd.)b. Examples of breakdown of **per diem rates**.

<u>Meal and Incidental Expenses</u>	\$46	\$51	\$56	\$66	\$71
Breakfast	7	8	9	11	12
Lunch	11	12	13	16	18
Dinner	23	26	29	34	36
Incidentals	5	5	5	5	5

- 2) All conference travel must have a completed and approved Travel Conference Request Form on file.
- 3) All reimbursements must be submitted using a Travel Conference Reimbursement Form.
- 4) When traveling by air, District employees shall use the lowest commercial carrier rates available.
- 5) New York State sales taxes for lodging and meals cannot be reimbursed.
- 6) Travel over 300 miles per round trip must be by public carrier unless it can be demonstrated that automobile travel will be more economical with respect to the following: time involved, the cost of lodging and meals, the existing mileage allowance, and accessibility of the destination by public carrier.

Guidelines for Use of Travel Conference Request and Reimbursement Forms

The Travel Conference Request Forms are only to be used by District employees. If there are no expenses to be paid by district, the Travel Conference Request requires only the approval of an Administrator and does not get sent to the Business Office. The Superintendent/designee approves those Travel Conference Requests which have reimbursable employee expense greater than one hundred dollars (\$100).

The Administrator may impose restriction to the Travel Conference Request, such as "time only"; meaning the employee has personally incurred all costs of the conference.

The procedures for completing a Travel Conference Request are as follows:

- 1) Complete all form information. Include a complete budget code.

(Continued)

SUBJECT: EMPLOYEE TRAVEL (Cont'd.)

- 2) Under District Prepaid or Billed," list only those expenses that will be paid using a District purchase order.
- 3) Under "To Be Reimbursed," list only those expenses that will be paid by the employee.
- 4) For regular local monthly meetings which have a meeting fee (\$50 or less), costs can be claimed on the Mileage Report Reimbursement Request.
- 6) An administrator's approval is required.

The procedures for completing a Travel Conference Reimbursement Form are as follows:

- 1) All appropriate original receipts must be attached. Reimbursements will not be approved if copies of receipts are used. In circumstances where a personal check or credit card is used, a copy of the check front and back or credit card statement will be acceptable.
- 2) Only one employee can submit for reimbursement per receipt.
- 3) Proper types of receipts include:
 - a. Store register tapes showing the store name, description/date need to accompany a brief description justifying purchase.
 - b. Invoices with company letterhead listing the employee as the purchaser and stamped paid in full.
 - c. Copy of front and back of canceled check along with order form or registration form.
 - d. Itemized hotel bills are required. A credit card receipt is not sufficient.
 - e. Entertainment costs will not be reimbursed.
 - f. If a meal receipt includes more than one meal that is being reimbursed; a list of the people included and district name/organization is required.

(Continued)

SUBJECT: EMPLOYEE TRAVEL (Cont'd.)

- 4) Only mileage and meal limits, per established rates for employee travel, do not require receipts.
- 5) The complete budget code must be entered.
- 6) Other expenses could include, but are not limited to, work related telephone costs and conference materials.
- 7) An administrator's approval is required.

Guidelines for Use of Mileage Report Reimbursement Request

Mileage Report Reimbursement Request is to be used for employees only.

The procedures for completing a Mileage Report Reimbursement Request are as follows:

- 1) No mileage is allowed between your home and your regularly assigned location.
- 2) Mileage from home to a work assignment for job related activities after normal working hours is reimbursable.
- 3) If you travel directly from home to a location other than your regularly assigned location, you must deduct the miles from your home to your regularly assigned location.
- 4) Original receipts are required when submitting for Parking, Tolls & Other. If you use "EZ Pass", submit your monthly statement with the appropriate charges highlighted.
- 5) Only appropriate budget codes.
- 6) For regular local monthly meetings which have a meeting fee (\$50 or less), costs can be claimed on this form with the appropriate receipts.
- 7) An administrator's approval is required.

Adopted: 7/31/07
Amended: 12/14/10

Personnel

SUBJECT: 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, wireless networks/access 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 staff to have independent access to the DCS from their home or other remote locations, and/or to access the DCS from their personal devices. All use of the DCS and the wireless network, including independent use off school premises and use on personal devices, 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. To 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 and telecommunications are not to be utilized to share confidential information about students or other employees.

Access to confidential data is a privilege afforded to District employees in the performance of their duties. Safeguarding this data is a District responsibility that the Board of Education takes very seriously. Consequently, District employment does not automatically guarantee the initial or ongoing ability to use mobile/personal devices to access the DCS and the information it may contain.

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 protected 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)

Personnel

SUBJECT: 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: websites, Web logs (blogs), wikis, social networks, online forums, virtual worlds, video sites 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, Vine, Instagram, SnapChat, 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.

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 when communicating, whether using District devices or their own personal devices, in their professional capacity as educators. They have a responsibility to address inappropriate behavior or activity on these networks, including requirements for mandated reporting and compliance with all applicable District Policies and Regulations.

(Continued)

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

Confidentiality, Private Information and Privacy Rights

Confidential and/or private data, including but not limited to, protected student records, employee personal identifying information, and District assessment data, shall only be loaded, stored or transferred to District-owned devices which have encryption and/or password protection. This restriction, designed to ensure data security, encompasses all computers and devices within the DCS, any mobile devices, including flash or key drives, and any devices that access the DCS from remote locations. Staff will not use email to transmit confidential files in order to work at home or another location. Staff will not use cloud-based storage services (such as Dropbox, GoogleDrive, SkyDrive, etc.) for confidential files.

Staff will not leave any devices unattended with confidential information visible. All devices are required to be locked down while the staff member steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

Staff data files and electronic storage areas shall remain District property, subject to District control and inspection. The Technology Coordinator may access all such files and communications 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.

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 Policies #5672 -- [Information Security Breach and Notification](#)
#6411 -- [Staff Use of Email](#)
#7243 -- [Student Data Breaches](#)
#7316 -- [Student Use of Personal Technology](#)
#8271 -- [Internet Safety/Internet Content Filtering Policy](#)

Adopted: 5/6/14

1999

6410

Personnel

SUBJECT: MAINTAINING DISCIPLINE AND CONDUCT

All personnel employed by the District are expected to assist in the maintenance of student discipline and appropriate conduct during school hours or at extracurricular events.

Adopted: 5/24/99

Students

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 Cheektowaga Central 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(l)(3)

SUBJECT: CHILD ABUSE**I. INTRODUCTION:**

This policy concerns two different types of child abuse, and the different types of mandated reporting required under New York Law for each type of abuse.

The School District subscribes to all of the provisions of Title 6 - Child Protective Services of the Social Services Law (Sections 411-428) - which is directed at the **detection and prevention of abuse, maltreatment, or neglect of any child by anyone in parental relation to the child.**

The School District also subscribes to Education Law Article 23-B, which is directed at the **detection and prevention of child abuse in an educational setting.**

Both forms of child abuse involve mandatory reporting by specified employees and officers of the District.

It is important to understand from the outset that the procedures and duties contained in Title 6 of the Social Services (Section 413) do not duplicate the separate reporting procedures and obligations required by Education Law Article 23-B (pertaining to abuse of children in an educational setting). The critical distinction between these statutes is that the Social Services Law mandates reporting when there is suspected abuse or neglect of a child by someone in parental relation to the child. In contrast, Article 23-B of the Education Law establishes a separate procedure for reporting allegations of child abuse committed by any school employee or volunteer.

II. CHILD ABUSE AND NEGLECT/MALTREATMENT BY PERSON IN PARENTAL RELATION*

The 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 neglected/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 suspected child abuse or neglect/maltreatment;
- b) Reporting procedures and obligations of persons required to report;

(Continued)

SUBJECT: CHILD ABUSE (Cont'd)

- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life of a child; and
- g) Provision of information in recognizing signs of unlawful methamphetamine laboratories for all current and new school officials (i.e., "mandated reporters") who, as part of their usual responsibilities, visit children's homes.

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

School Officials Required to Report

The definition of a "school official" who is mandated to report cases of child abuse or neglect/maltreatment to the State Central Register (SCR) pursuant to Social Services Law Section 413(1) includes, but is not limited to, school teachers, school guidance counselors, school psychologists, school social workers, school nurses, school administrators or other school personnel required to hold a teaching or administrative license or certificate.

All mandated reporters shall make the report themselves and then immediately notify the Building Principal or his/her designee. The Building Principal or his/her designee shall be responsible for all subsequent administration necessitated by the report.

Any report shall include the name, title and contact information for every staff member who is believed to have direct knowledge of the allegations in the report.

Prohibition of Retaliatory Personnel Action

Social Services Law Section 413(1) also prohibits a school from taking any retaliatory personnel action against an employee because such employee believes that he/she has reasonable cause to suspect that a child is an abused or neglected/ maltreated child and that employee makes a report to SCR pursuant to Social Services Law. Further, no school or school official shall impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

Pursuant to Labor Law Section 740(1)(e), "retaliatory personnel action" means the discharge, suspension or demotion of an employee, or other adverse employment action taken against an employee in the terms and conditions of employment.

(Continued)

SUBJECT: CHILD ABUSE (Cont'd)**Report Form**

The Revised May 2007 New York State Office of Children and Family Services "**Report of Suspected Child Abuse or Maltreatment**" Form LDSS-2221A may be accessed at:

<http://www.ocfs.state.ny.us/main/cps/>

***Required Policy**

References:

Education Law Section 3209-a
Family Court Act Section 1012
Labor Law Section 740(1)(e)
Social Services Law Sections 411-428

III. CHILD ABUSE IN AN EDUCATIONAL SETTING

The School District is committed to the protection of students in educational settings from abuse and maltreatment by employees or volunteers as enumerated in law.

"Child abuse" shall mean any of the following acts committed in an educational setting by an employee or volunteer against a child:

- a) Intentionally or recklessly inflicting physical injury, serious physical injury or death; or
- b) Intentionally or recklessly engaging in conduct which creates a substantial risk of such physical injury, serious physical injury or death; or
- c) Any child sexual abuse, defined as conduct prohibited by Penal Law Articles 130 or 263; or
- d) The commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

"Educational setting" is broadly defined to include the building(s) and grounds of the School District; the vehicles provided by the School District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off School District grounds; all co-curricular and extracurricular activity sites; **and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.**

(Continued)

SUBJECT: CHILD ABUSE (Cont'd)

In any case where an oral or written allegation is made to a teacher, school's registered professional nurse, school guidance counselor, school psychologist, school social worker, school administrator, School Board member, or other school personnel required to hold a teaching or administrative license or certificate, that a child (defined in the law as a person under the age of twenty-one (21) years enrolled in a school district in this state) has been subjected to child abuse by an employee or volunteer in an educational setting, that person shall upon receipt of such allegation:

- a) Promptly complete a written report of such allegation including the full name of the child alleged to be abused; the name of the child's parent; the identity of the person making the allegation and their relationship to the alleged child victim; the name of the employee or volunteer against whom the allegation was made; and a listing of the specific allegations of child abuse in an educational setting. Such written report shall be completed on a form as prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving such an oral or written allegation, the employee completing the written report must promptly *personally deliver* a copy of that written report to the school administrator of the school in which the child abuse allegedly occurred (subject to the following paragraph).

In any case where it is alleged the child was abused by an employee or volunteer of a school other than a school within the school district of the child's attendance, the report of such allegations shall be promptly forwarded to the Superintendent of Schools of the school district of the child's attendance and the school district where the abuse allegedly occurred.

Any employee or volunteer who reasonably and in good faith makes a report of allegations of child abuse in an educational setting in accordance with the reporting requirements of the law shall have immunity from civil liability which might otherwise result by reason of such actions.

Upon receipt of a written report alleging child abuse in an educational setting, the school administrator or Superintendent must then determine whether there is "reasonable suspicion" to believe that such an act of child abuse has occurred. Where there has been a determination as to the existence of such reasonable suspicion, the school administrator or Superintendent must follow the notification/reporting procedures mandated in law and further enumerated in administrative regulations including parental notification. When the school administrator receives a written report, he/she shall promptly provide a copy of such report to the Superintendent.

(Continued)

SUBJECT: CHILD ABUSE (Cont'd)

Where the school administrator or Superintendent has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent shall also refer such report to the Commissioner of Education where the employee or volunteer alleged to have committed such an act of child abuse holds a certification or license issued by the State Education Department.

Any school administrator or Superintendent who reasonably and in good faith makes a report of allegations of child abuse in an educational setting, or reasonably and in good faith transmits such a report to a person or agency as required by law, shall have immunity from civil liability which might otherwise result by reason of such actions.

Reports and other written material submitted pursuant to law with regard to allegations of child abuse in an educational setting, and photographs taken concerning such reports that are in the possession of any person legally authorized to receive such information, *shall be confidential and shall not be redisclosed except* to law enforcement authorities involved in an investigation of child abuse in an educational setting or as expressly authorized by law or pursuant to a court-ordered subpoena. School administrators and the Superintendent shall exercise reasonable care in preventing such unauthorized disclosure.

Additionally, teachers and all other school officials shall be provided an annual written explanation concerning the reporting of child abuse in an educational setting, including the immunity provisions as enumerated in law. Further, the Commissioner of Education shall furnish the District with required information, including rules and regulations for training necessary to implement District/staff responsibilities under the law.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent or the Commissioner of Education, where appropriate, information concerning allegations of child abuse in an educational setting against an employee or volunteer in exchange for that individual's resignation or voluntary suspension from his/her position.

Superintendents (or a designated administrator) who reasonably and in good faith report to law enforcement officials information regarding allegations of child abuse or a resignation as required pursuant to the law shall have immunity from any liability, civil or criminal, which might otherwise result by reason of such actions.

(Continued)

SUBJECT: CHILD ABUSE

References:

Education Law Article 23-B and Sections 902(b) and 3028-b
Penal Law Articles 130, 235 and 263
Social Services Law Section 413
8 New York Code of Rules and Regulations (NYCRR) Part 83

Adopted: 5/24/99

Amended: 10/9/07

Students

SUBJECT: DIGNITY FOR ALL STUDENTS ACT

The Board of Education recognizes that learning environments that are safe and supportive can increase student attendance and improve academic achievement. A student's ability to learn and achieve high academic standards, and a school's ability to educate students, is compromised by incidents of discrimination or harassment, including but not limited to bullying, taunting and intimidation. Therefore, in accordance with the Dignity for All Students Act, Education Law, Article 2, the District will strive to create an environment free of bullying, discrimination and/or harassment and will foster civility in the schools to prevent and prohibit conduct which is inconsistent with the District's educational mission. Since cyberbullying is a form of bullying, the term "bullying" as used in this policy will implicitly include cyberbullying even if it is not explicitly stated.

The District condemns and prohibits all forms of bullying, discrimination and/or harassment of students based on actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or students on school property and at school-sponsored activities and events that take place at locations off school property. In addition, any act of bullying, discrimination and/or harassment, outside of school sponsored events, which can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline.

Dignity Act Coordinator

At least one (1) employee at every school shall be designated as the Dignity Act Coordinator(s). The Dignity Act Coordinator(s) will be thoroughly trained to handle human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) and sex. The Board of Education shall appoint a Dignity Act Coordinator(s) who is employed by such District or BOCES and is licensed and/or certified as a classroom teacher, school counselor, psychologist, nurse, social worker, administrator/ supervisor or Superintendent of Schools. Districts must share the name(s) and contact information of the Dignity Act Coordinator(s) with all school personnel, students, and parents/persons in parental relation, which shall include, but is not limited to, providing the name, designated school and contact information by:

- a) Listing such information in the *Code of Conduct* and updates posted on the Internet website, if available; and
- b) Including such information in the plain language summary of the *Code of Conduct* provided to all persons in parental relation to students before the beginning of each school year; and
- c) Providing such information to parents and persons of parental relation in at least one (1) district or school mailing or other method of distribution including, but not limited to,

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

through electronic communication and/or sending such information home with each student and, if such information changes, in at least one subsequent district or school mailing or other such method of distribution as soon as practicable thereafter;

- d) Posting such information in highly visible areas of school buildings;
- e) Making such information available at the district and school-level administrative offices.

If a Dignity Act Coordinator vacates his/her position, another school employee shall immediately be designated for an interim appointment as Coordinator, pending approval from the Board of Education, within thirty (30) days of the date the position was vacated. In the event a Coordinator is unable to perform the duties of the position for an extended period of time, another school employee shall immediately be designated for an interim appointment as Coordinator, pending return of the previous Coordinator to the position. The District must provide the change in information to parents or persons in parental relation as soon as practicable. The change in name and/or contact information of the Dignity Act Coordinator will not constitute a revision to the *Code of Conduct* so as to require a public hearing.

Training and Awareness

Each District and Charter School shall establish guidelines for training which shall be approved by the Board of Education. Training will be provided each school year for all District employees in conjunction with existing professional development training to raise staff awareness and sensitivity of bullying, discrimination and/or harassment directed at students that are committed by students or school employees on school property, at a school function, or off school property when the actions create or would foreseeably create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property.

Training will include ways to promote a supportive school environment that is free from bullying, discrimination and/or harassment. Training shall:

- a) Raise awareness and sensitivity;
- b) Address social patterns and the effects on students;
- c) Inform employees on the identification and mitigation of such acts;
- d) Provide strategies for effectively addressing problems of exclusion, bias and aggression;
- e) Include safe and supportive school climate concepts in curriculum and classroom management; and

(Continued)

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

- f) Ensure the effective implementation of school policy on conduct and discipline.

Instruction in grades Kindergarten through 12 shall include a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. For the purposes of this policy, "tolerance," "respect for others" and "dignity" shall include awareness and sensitivity to bullying, discrimination and/or harassment and civility in the relations of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, genders and sexes. Such component must also include instruction on the safe and responsible use of the Internet and electronic communications.

Rules against bullying, discrimination and/or harassment will be included in the *Code of Conduct*, publicized District-wide and disseminated to all staff and parents. Any amendments to the Code will be disseminated as soon as practicable following their adoption. New teachers shall be provided a complete copy of the current Code upon their employment. An age-appropriate summary shall be distributed to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Bullying, Discrimination and/or Harassment

The District will investigate all complaints of bullying, discrimination and/or harassment, either formal or informal, and take prompt corrective measures, as necessary. School employees who witness or receive a report (oral or written) of harassment, bullying and/or discrimination must orally notify the Superintendent, Principal, or their designee *no later than one (1) school day* after witnessing or receiving a report of such incident. The employee must then file a written report *within two (2) school days* after making the oral report. If, after an appropriate investigation, the District finds that this policy has been violated, corrective action will be taken in accordance with District policies and regulations, the *Code of Conduct*, and all appropriate federal or state laws. The Superintendent, Principal or their designee shall notify the appropriate local law enforcement agency when it is believed that any harassment, bullying and/or discrimination constitute criminal conduct.

The District will annually report material incidents of bullying, discrimination and/or harassment which occurred during the school year to the State Education Department. Such report shall be submitted in a manner prescribed by the Commissioner, on or before the basic educational data system (BEDS) reporting deadline or such other date as determined by the Commissioner. SED has developed a form for gathering data titled, "Reports of Incidents Concerning School Safety and the Educational Climate" which can be found on the NYSED website.

(Continued)

Students

SUBJECT: DIGNITY FOR ALL STUDENTS ACT (Cont'd.)

The Principal of each primary and secondary school shall provide a regular report (at least once during each school year) on data and trends related to harassment, bullying and/or discrimination to the Superintendent and in a manner prescribed by, as applicable, the district, BOCES or charter school. There is no need for schools or districts to submit this report to the State Education Department.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

Any person who has reasonable cause to suspect that a student has been subjected to bullying, discrimination and/or harassment by an employee or student, on school grounds or at a school function, who acts reasonably and in good faith and reports such information to school officials or law enforcement authorities, shall have immunity from any civil liability that may arise from making such report. The Board prohibits any retaliatory behavior directed at complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of bullying, discrimination and/or harassment.

Education Law Sections 10-18, 801-a, 2801 and 3214
8 NYCRR Section 100.2

NOTE: Refer also to Policies #1330 -- Appointments and Designations by the Board of Education
#3410 -- Code of Conduct on School Property
#3420 -- Non-Discrimination and Anti-Harassment in the School District
#7551 -- Sexual Harassment of Students
#7552 -- Bullying in the Schools
#7553 -- Hazing of Students
#8242 -- Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adopted: 5/24/99
Amended: 8/6/13

CHEEKTOWAGA CENTRAL SCHOOL DISTRICT

Board of Education Policy 8271; *Adopted by the Board of Education on June 12, 2012*

ACCEPTABLE USE POLICY (AUP) FOR COMPUTERS/TECHNOLOGY AND INTERNET ACCESS

The Board of Education requires all users of District Technology to abide by the following Acceptable Use Policy (AUP):

Technology resources are available to students, staff, and guests in the Cheektowaga Central School District (CCSD). These resources include software delivered via CCSD's Local Area Network (LAN), Internet resources, Internet access, and digital tools. We are pleased to provide this access and believe that telecommunication and other technology resources offer vast and unique opportunities to our community. Our goal in providing this service is to promote educational excellence in our schools by facilitating resource sharing, innovation, communication, and digital citizenship.

To deliver technology resources, students and staff may have access to and/or may be provided:

1. Internet access
2. Electronic communications; email (E-mail), blogs, wikis, etc.
3. Information and international news
4. Public domain software and graphics of all types
5. Library catalogs and databases
6. Training by a CCSD technology staff member and/or instructor in proper use
7. Student management systems
8. Online courses and testing
9. Use of personally owned devices

CCSD has taken precautions to restrict access to materials that are not considered to be of value in the context of the school setting. However, it is impossible to control all materials on a global network. We at CCSD believe that the valuable information and interaction available on this worldwide network far outweighs the possibility that users may obtain material that is not consistent with the educational goals of the District.

Internet access is coordinated through a complex association of government agencies and regional and state networks. The smooth operation of the network relies upon the proper conduct of end users who must adhere to this AUP policy, which is provided so that each user is aware of his/her responsibilities. In general, this requires each user's efficient, ethical, and legal utilization of the network resources. All technology use is monitored by CCSD personnel.

If a CCSD user violates any of these provisions, his or her technology use privileges may be garnished or terminated. Those who engage in unacceptable use may also be subject to further disciplinary measures under District policy and the Code of Conduct. The District reserves the right to pursue legal action and may bring suit in civil court.

Terms and Conditions for Use of Computer Technology and Internet Access

1. Acceptable Use - The District Technology Coordinator and the Superintendent of Schools will deem what is appropriate/inappropriate use. The administration, staff and students of CCSD may request the system administrator to deny, revoke, or suspend user privileges at anytime.
2. Privileges - The use of all hardware, software, and other technology resources is a privilege, not a right, and inappropriate use may result in a cancellation of those privileges. Every person who receives an account will be instructed by a CCSD staff member in the proper use of the network. The purpose of the Internet is to support research and education in and among academic institutions by providing access to unique resources and the opportunity for collaborative work. The use of a CCSD account must be in support of education and research and be consistent with the educational objectives of CCSD. Use of other organizations' networks or computing resources must comply with the rules appropriate for that other site. Transmission of any material in violation of any national or state regulation is prohibited. This includes, but is not limited to: copyrighted material, threatening or sexually explicit material, or material protected by trade secret.

3. Responsibilities – Users are expected to abide by the generally accepted rules of the CCSD network and other technology resources, including but not limited to the items noted in this AUP. **Failure to comply will result in loss of privileges.** These responsibilities include (but are not limited to) the following:
 - a. Each user must utilize a District-issued user ID and password for his/her account in order to gain access to network resources.
 - b. Users are responsible for all activity on his/her account while “logged on.” When not actively using the account, he/she **must** “log off”.
 - c. Users must keep his/her network ID and password confidential – any sharing of passwords is prohibited.
 - d. Students must **not** reveal their personal address, phone number, or personal data about themselves or other students, faculty or staff.
 - e. Students must not meet anyone in person with whom they have made electronic contact unless District and/or parental permission is granted.
 - f. **Netiquette is expected of all users.** Users must be polite and not be abusive in messages to others. Appropriate language must be used.
 - g. Electronic mail (E-mail) is not guaranteed to be private. The system operators have access to all mail. Messages relating to or in support of illegal activities will be reported to the appropriate authorities. The E-mail system is the property of the District and intended only for its use.
 - h. Users must not use the network in a way that disrupts the use of the network by other users. Users must assume that all accessible electronic information is copyright protected.
 - i. Users must report each and every incidences of computer system abuse/misuse to the District Technology Coordinator.
4. Warranties - CCSD makes no warranties of any kind, whether expressed or implied, for the service it is providing. CCSD will not be responsible for any damages you suffer. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or interruptions caused by its own negligence or your errors or omissions. Use of any information obtained via the Internet is at your own risk. CCSD specifically denies any responsibility for the accuracy or quality of information obtained through its services.
5. Security - Security on any computer system is a high priority, especially when the system involves many users. If you feel you can identify a security problem on the system, you must notify the District Technology Coordinator. Do not demonstrate the problem to other users. Attempts to log on to the system as a system administrator will result in cancellation of user privileges. Any user identified as a security risk or of having a history of problems with other computer systems may be denied access.
6. Software usage – Only District-owned software may be used with the exception of staff owned software that has been approved by the District Technology Coordinator. Portable storage devices are permitted for school assignments. Unauthorized use of devices may result in such devices being confiscated with other possible consequences to the user.
7. Equipment - The district is not responsible for repair and/or replacement of non-district hardware owned and used by students, staff, and guests.
8. Vandalism - Vandalism will result in suspension or cancellation of privileges. Vandalism is defined as any malicious attempt to alter or destroy data of another user, to damage computer hardware or software, and/or to misuse the Internet, or any others agencies or computer systems that are connected to CCSD. This includes, but is not limited to, the uploading or creation of computer viruses and any physical damage. Improper use and tampering will not be tolerated. Reimbursement of cost for replacement and/or repair of damage may be sought by district.
9. Ethical Use – Use of District network resources and any other CCSD technology resources are a privilege. Religious messages and materials that are intended or could be perceived to be proselytizing are strictly prohibited. Malicious, threatening, and/or unethical posting of information and/or images is also prohibited. Also prohibited is the use of district resources for personal gain.
10. Data – Student and staff data files and other electronic storage areas are considered to be District property and subject to control and inspection. The District Technology Coordinator may access all files and communications to insure use compliance. Unauthorized access, sharing and transmission of school District data are strictly prohibited.