

## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES****Overview**

The BOCES is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses the provision of equal educational opportunities to students. It is just one component of the BOCES' overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the BOCES provides equal opportunity for students and does not discriminate against any student enrolled in (or any candidate for admission to) its programs and activities on the basis of any legally protected class or category including, but not limited to: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; marital status; pregnancy; parental status; weight; ethnic group; or religious practice. Further, the BOCES provides equal access to its facilities to any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 (as a patriotic society).

The BOCES adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of discrimination. The BOCES will promptly respond to reports of discrimination, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the BOCES' Civil Rights Compliance Officer(s) (CRCO(s)).

**Educational Services for Married/Pregnant Students**

The opportunity to participate in all of the programs and activities of the BOCES will not be restricted or denied because of pregnancy, parenthood, or marriage. Pregnant students will be encouraged to remain and participate in BOCES programs. The forms of instruction provided to these students may include any or all of the following:

- a) Remain in school with provisions for special instruction, scheduling, and counseling as needed;
- b) Receive home instruction;
- c) Attend BOCES programs.

The District Superintendent or designee, in consultation with student services staff, the school physician, and the student's personal physician, may make program modifications which are feasible and necessary to accommodate the special needs of these students.

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## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)****Reporting Allegations of Discrimination**

In order for the BOCES to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a victim of discrimination, as well as any other person who has knowledge of or witnesses any possible discrimination, immediately report the alleged conduct or incident. Reports of discrimination may be made orally or in writing to any BOCES employee including, but not limited to, a teacher, building principal, or CRCO.

All BOCES employees who witness or receive an oral or written report of discrimination must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, BOCES employees must comply with reporting requirements in any other applicable BOCES policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the BOCES' *Code of Conduct*.

**Grievance Process for Complaints of Discrimination**

The BOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of discrimination and will promptly take appropriate action to protect students from further discrimination.

Various BOCES policies and documents address discrimination. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the BOCES; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the BOCES' *Code of Conduct*. All complaints will be handled in accordance with the applicable BOCES policies and/or documents.

The determination as to which BOCES policies and/or documents are applicable is fact specific, and the CRCO may work with other BOCES staff such as the BOCES' Title IX Coordinator(s) and/or Dignity Act Coordinator(s) (DAC(s)) to determine which BOCES policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that discrimination has occurred, the BOCES will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable BOCES policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the BOCES' *Code of Conduct*.

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## Instruction

**SUBJECT: EQUAL EDUCATIONAL OPPORTUNITIES (Cont'd.)****Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)**

The BOCES prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of discrimination.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the BOCES has designated another individual to serve in that capacity. If the BOCES has not designated another CRCO, the District Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

Age Discrimination Act of 1975, 42 USC Section 6101 et seq.  
Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq.  
Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.  
Section 504 of the Rehabilitation Act of 1973, 29 USC Section 790 et seq.  
Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.  
Title VI of the Civil Rights Act of 1964, 42 USC Section 2000d et seq.  
Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.  
28 CFR Part 35  
34 CFR Parts 100, 104, 106, 110, and 270  
45 CFR Part 86  
Civil Rights Law Sections 40, 40-c, and 47-b  
Education Law Sections 10-18, 313, 2801, 3201, and 3201-a  
New York State Human Rights Law, Executive Law Section 290 et seq.  
8 NYCRR Section 100.2  
9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3281 -- Use of Facilities by the Boy Scouts of America and Patriotic Youth Groups  
#3410 -- Code of Conduct  
#3420 -- Non-Discrimination and Anti-Harassment in the BOCES  
#3421 -- Title IX and Sex Discrimination  
#7550 -- Dignity for All Students  
#7551 -- Sexual Harassment of Students  
BOCES *Code of Conduct*

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