



Lewiston-Porter Central School District Employee Handbook

Updated August 25, 2025

From the Office of Administrative Services:

Handbook Introduction Statement

This Employee Handbook is intended to provide each employee with access to core District policies.

Our Board of Education policies form the rules for the operation of the District. Those policies meet the requirements of Federal and New York State law, and establish expectations for all employees in the Lewiston-Porter School District. Board policies are the local laws of the school district, therefore, it is essential that all employees understand the requirements of the core policies contained in this Handbook.

This handbook contains helpful information related to your job, and some of the rules and procedures that you will be expected to follow. Please read this handbook carefully and refer to it as needed.

Some of the policies and procedures contained in this handbook have been summarized for easy reading and, as such, may not be complete statements. Lewiston-Porter School District reserves the right, at any time and at its sole discretion, to change, delete, and add to any of the handbook provisions. It is not possible to include in one handbook all of the rules and policies that apply to your employment. Please take time to consult with your supervisor concerning specific procedures and expectations that may apply to your program, office, department, or building.

The Employee Handbook is also provided to assist you in finding answers to questions you may have about the existing policies of the District. Please remember that it is every employee's obligation to comply with policies and any associated complaint procedures of the School District. Employees of the District may also access the online Board of Education Policy Manual on our District website under the Board of Education section at <http://www.lew-port.com/Page/192>. Should the Board approve a change to a policy, a recently added or changed policy will be accessible shortly after the board meeting where an action was approved.

This handbook is not a contract of employment. It is provided for informational purposes. Except as expressly provided by statute or by contract, employment is at the pleasure of the District. Accordingly, an employee has no right to continuing employment except as expressly provided by statute or by contract.

This handbook replaces and supersedes all prior handbook(s).

Non-discrimination Statement

The Lewiston-Porter School District is an equal opportunity employer and does not discriminate against any employee or applicant for employment on the basis of gender, race, color, religion or creed, age, national origin, marital status, disability, sexual orientation, military or veteran status, domestic violence victim status, genetic predisposition or carrier status, or any other classification that is recognized by law as a protected classification.

The Lewiston-Porter School District is an equal opportunity educational system and does not discriminate against any student or candidate for enrollment on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, marital status, gender, sex, or any other classification that is recognized by law as a protected classification.

Any person wishing to obtain information about the District procedures for grieving alleged civil rights violations may obtain information by contacting one of our District's civil rights compliance officers.

Donna L. Hill

Asst. Superintendent for Administrative Services
4061 Creek Road Youngstown NY 14174
Ph: 716-286-7240 Email: dhill@lew-port.com

Andrea Tamarazio

Director of Curriculum, Instruction, Technology & Data
4061 Creek Road Youngstown NY 14174
Ph: 716-286-7295 Email: atamarazio@lew-port.com

District Property, Equipment, and Storage Spaces

Lockers, desks, cabinets, computers (including computer systems, hardware, software, and/or e-mail), other equipment, and/or other storage spaces may be provided for use by employees and/or students. Such lockers, desks, cabinets, computers (including computer systems, hardware, software, and e-mail), other equipment, and other storage spaces remain exclusively the property of the Lewiston-Porter School District. No employee or student has any expectation of privacy in any Lewiston-Porter School District lockers, desks, cabinets, computers (including computer systems, hardware, software, or e-mail), any other equipment, or any other storage spaces.

Lockers, desks, cabinets, computers (including computer systems, hardware, software, and e-mail), any other equipment, and any other storage spaces may be accessed and searched at any time.

Lewiston-Porter School District does not assume responsibility for loss of or damage to any personal property kept in desks, lockers, cabinets, or any other storage spaces.

Table of Contents of Board of Education Policies Important for All Employees

Alcohol, Drugs and Other Substances (School Personnel) (Policies 6150, 6151, 615 IF, 6180)

Smoking/Tobacco Use and use of electronic smoking devices (Policy 5640)

Student Alcohol and Other Drug Policy (Policy 7320)

Code of Ethics (Policy 6110)

Code of Conduct (Policy 3410)

Confidentiality of Student Information and Records (Policies 3320, 7240)

Equal Employment Opportunity (Policy 6120)

Policy Against Discrimination and Harassment (Policy 6121, 6121F)

Workplace Violence Prevention (Policy 6190, 6190F)

Family and Medical Leave Act (FMLA) (Policy 6551)

Employee Assistance Program (EAP) (Policy 6530)

Child Abuse And Maltreatment (Policy 7530)

Harassment of Students, Dignity for all Students ACT (Policies 7551, 7550)

Title IX Policy Against Sexual Harassment and Sex Discrimination (Policy 3421)

Staff Use of Telecommunications Systems and Computerized Information Resources (Policy 6410)

Use of Email in the District (Policy 6411)

Student Use of Computerized Information Resources and Personal Technology (Policies 7315, 7316)

Internet Safety (Policy 8271)

Fundraising and Solicitation (Policies 7450, 3271)

Use of Copyrighted Materials (Policy 8350)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7320

Students

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES (STUDENTS)

Prohibited Conduct

The District recognizes that the misuse of alcohol, tobacco, electronic cigarettes (e-cigarettes), cannabis (marijuana), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, and/or possession of these and similar substances, as well as tobacco products and drug paraphernalia are prohibited in accordance with law and regulation, District policy, the District *Code of Conduct*, and/or other similar documents.

Students are not permitted to be under the influence of alcohol, cannabis (marijuana), drugs, or other prohibited substances on school grounds or at school functions. "School function" means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

Exceptions may exist for authorized medical cannabis use.

Accountability Measures

Students will be held accountable in accordance with District policy, the District *Code of Conduct*, and/or other similar documents for the consumption, sharing, selling, use, and/or possession of alcohol, tobacco, e-cigarettes, cannabis (marijuana), drugs, counterfeit and designer drugs, over-the-counter drugs, prescription drugs, vitamins, supplements, herbs, and other similar substances, as well as tobacco products and drug paraphernalia.

Information on Substance Use Related Services

The Superintendent has designated one or more individuals to provide information regarding where and how to find available substance use related services to students, parents, and staff.

- Assistant Superintendent for Administrative Services
- School Counselors
- School Social Workers

Any information provided by a student, parent, or staff member to the designated individual(s) will not be used in any school disciplinary proceeding and will, in addition to any other applicable privilege, be considered confidential in accordance with law.

20 USC §§ 6083(a), 7118, and 7973(a); Cannabis Law § 127; Education Law §§ 409, 2801, and 3038
Penal Law § 222.10; Public Health Law §§ 1399-n and 1399-o

NOTE: Refer also to Policies #3280 - Use of School Facilities, Materials, and Equipment
#3410 - Code of Conduct
#5640 - Smoking, Tobacco, and Cannabis (Marijuana) Use
#6150 - Alcohol, Tobacco, Drugs, and Other Substances (Staff)
#8240 - Instruction in Certain Subjects
District Code of Conduct

Adoption Date: 04/28/2025
10/25/2021

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6110

Personnel 1 of 3

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL

General Provisions

Officers, including Board members, administrators, and Director of Facilities and employees of the District hold their positions to serve and benefit the public, and not to obtain unwarranted personal or private gain in the exercise of their official powers and duties. The Board recognizes that, in furtherance of this fundamental principle, there is a need for clear and reasonable standards of ethical conduct.

The provisions of this policy are intended to supplement Article 18 of General Municipal Law Sections and any other law relating to ethical conduct of District officers and employees, and should not be construed to conflict with those authorities.

Standards of Conduct

The following rules and standards of conduct apply to all officers, including Board members, and employees of the District.

Gifts

No person may directly or indirectly solicit, accept, or receive any gift having a value of \$75 or more under circumstances in which it could reasonably be inferred that the gift was intended or expected to influence the individual in the performance of their official duties or was intended as a reward for any official action on the part of the individual. This prohibition applies to any gift, including money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form.

Confidential Information

No person may disclose confidential information acquired by them in the course of their official duties or use this information to further their personal interests.

Conflicts of Interest

Except as permitted by law, no person may have an interest in any contract with the District when they, individually, or as a member of the Board, has the power or duty to: negotiate, prepare, authorize, or approve the contract or authorize or approve payment under the contract; audit bills or claims under the contract; or appoint an officer or employee who has any of these powers or duties.

Likewise, unless permitted by law, no chief fiscal officer, treasurer, or their deputy or employee, may have an interest in a bank or trust company designated as a depository, paying agent, registration agent, or for investment of funds of the District.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6110

Personnel

2 of 3

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL

"Interest," as used in this policy, means a direct or indirect pecuniary or material benefit accruing to a District officer, including Board, administrators, and Director of Facilities, as the result of a contract with the District. A District officer or employee will be considered to have an interest in the contract of: their spouse, minor children and dependents, except a contract of employment with the District; a firm, partnership or association of which they are a member or employee; a corporation of which they are an officer, director or employee; and a corporation any stock of which is owned or controlled directly or indirectly by them.

The provisions of the preceding three paragraphs should not be construed to preclude the payment of lawful compensation and necessary expenses of any District officer, including Board members, administrators, and Director of Facilities, in one or more positions of public employment, the holding of which is not prohibited by law.

Representing Others in Matters Before the District

No person may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District. Likewise, no one may receive, or enter into any agreement, express or implied, for compensation for services rendered in relation to any matter before the District, where the individual's compensation is contingent upon any action by the District with respect to the matter.

Disclosure of Interest in Contracts and Resolutions

Any District officer, including Board members, administrators, Director of Facilities who has, will have, or later acquires an interest in or whose spouse has, will have or later acquires an interest in any actual or proposed contract, purchase agreement, lease agreement, or other agreement, including oral agreements, with the District must publicly disclose the nature and extent of that interest in writing. The disclosure must be made when the officer, including Board of Education members, administrators, and Director of Facilities, first acquires knowledge of the actual or prospective interest, and must be filed with the person's immediate supervisor and the Board of Education. Any written disclosure will be made part of and included in the official minutes of the relevant Board meeting.

Investments in Conflict with Official Duties

No person may invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, that creates a conflict with their official duties, or that would otherwise impair their independence of judgment in the exercise or performance of their official powers or duties.

Private Employment

No person may engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests when that employment or service creates a conflict with or impairs the proper discharge of their official duties.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6110

Personnel

3 of 3

SUBJECT: CODE OF ETHICS FOR BOARD MEMBERS AND ALL DISTRICT PERSONNEL

Future Employment

No person may, after the termination of service or employment with the District, appear before the District on behalf of their employer in relation to any case, proceeding, or application in which they personally participated during the period of their service or employment with the District or which was under their active consideration while they were with the District.

Notice of Code of Ethics and General Municipal Law Sections 800-809

The Superintendent will ensure that a copy of this code of ethics is distributed to every District officer and employee, and that a copy of General Municipal Law Sections 800-809 is posted conspicuously in each District building. The failure to distribute this code of ethics or to post General Municipal Law Sections 800-809 will have no effect on either the duty of District officers and employees to comply with their provisions, or the ability of the District or other relevant authorities to enforce them.

Penalties

Any person who knowingly or intentionally violates any of the provisions of this policy may be fined, suspended, removed from office or employment, or subject to additional or other penalties as provided by law.

Education Law § 410
General Municipal Law Article 18 and §§ 800-809

Adoption Date: 03/18/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2018

3410

Community Relations 1 of 5

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

The Board recognizes the value of positive interpersonal relationships and civil conduct in the educational process at all school-sponsored activities. Recognizing that students at every age level model behavior that they observe at school-sponsored activities, the Board therefore requires that civility and appropriate sportsmanship be practiced at all times.

The District has developed and will amend, as appropriate, a written *Code of Conduct* for the Maintenance of Order on School Property, including school functions, which shall govern the conduct of students, teachers and other school personnel, as well as visitors and/or vendors. The Board shall further provide for the enforcement of such *Code of Conduct*.

For purposes of this policy, and the implemented *Code of Conduct*, school property means in or within any building, structure, athletic playing field, playground, parking lot or land contained within the real property boundary line of the District's elementary or secondary schools, or in or on a school bus; and a school function shall mean a school-sponsored extracurricular event or activity regardless of where such event or activity takes place, including those that take place in another state.

The *District Code of Conduct* has been developed in collaboration with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

The *Code of Conduct* shall include, at a minimum, the following:

- a) Provisions regarding conduct, dress and language deemed appropriate and acceptable on school property and at school functions, and conduct, dress and language deemed unacceptable and inappropriate on school property; provisions regarding acceptable civil and respectful treatment of teachers, school administrators, other school personnel, students and visitors on school property and at school functions; the appropriate range of disciplinary measures which may be imposed for violation of such Code; and the roles of teachers, administrators, other school personnel, the Board and parents/persons in parental relation to the student;
- b) Provisions prohibiting discrimination, bullying and/or harassment against any student, by employees or students 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, that creates a hostile environment by conduct, with or without physical contact, threats, intimidation or abuse (verbal or non-verbal), of such a severe nature that:
 1. Has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional and/or physical well-being; or
 2. Reasonably causes or would reasonably be expected to cause a student to fear for his/her physical safety.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2018

3410

Community Relations 2 of 5

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

When the term "bullying" is used, even if not explicitly stated, such term includes cyberbullying, meaning such harassment or bullying that occurs through any form of electronic communication.

Such conduct shall include, but is not limited to, threats, intimidation, or abuse based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practices, disability, sexual orientation, gender as defined in Education Law Section 11(6), or sex; provided that nothing in this subdivision shall be construed to prohibit a denial of admission into, or exclusion from, a course of instruction based on a person's gender that would be permissible under Education Law Sections 3201-a or 2854(2) (a) and Title IX of the Education Amendments of 1972 (20 USC Section 1681, et seq.), or to prohibit, as discrimination based on disability, actions that would be permissible under 504 of the Rehabilitation Act of 1973;

- c) Standards and procedures to assure security and safety of students and school personnel;
- d) Provisions for the removal from the classroom and from school property, including a school function, of students and other persons who violate the Code;
- e) Provisions prescribing the period for which a disruptive student may be removed from the classroom for each incident, provided that no such student shall return to the classroom until the Principal (or his/her designated District administrator) makes a final determination pursuant to Education Law Section 3214(3-a)I or the period of removal expires, whichever is less;
- f) Disciplinary measures to be taken for incidents on school property or at school functions involving the use of tobacco, e-cigarettes and vaping products, the possession or use of illegal substances or weapons, the use of physical force, vandalism, violation of another student's civil rights, harassment and threats of violence;
- g) Provisions for responding to acts of discrimination, bullying and/or harassment against students by employees or students on school property, at a school function, or off school property when the actions create or would foreseeable create a risk of substantial disruption within the school environment or where it is foreseeable that the conduct might reach school property, pursuant to clause (b) of this subparagraph;
- h) Provisions for detention, suspension and removal from the classroom of students, consistent with Education Law Section 3214 and other applicable federal, state and local laws, including provisions for school authorities to establish procedures to ensure the provision of continued educational programming and activities for students removed from the classroom, placed in detention, or suspended from school, which shall include alternative educational programs appropriate to individual student needs;

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2018

3410

Community Relations 3 of 5

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

- i) Procedures by which violations are reported and determined, and the disciplinary measures imposed and carried out;
- j) Provisions ensuring the *Code of Conduct* and its enforcement are in compliance with state and federal laws relating to students with disabilities;
- k) Provisions setting forth the procedures by which local law enforcement agencies shall be notified of Code violations which constitute a crime;
- l) Provisions setting forth the circumstances under and procedures by which parents/persons in parental relation to the student shall be notified of Code violations;
- m) Provisions setting forth the circumstances under and procedures by which a complaint in criminal court, a juvenile delinquency petition or person in need of supervision ("PINS") petition as defined in Articles 3 and 7 of the Family Court Act will be filed;
- n) Circumstances under and procedures by which referral to appropriate human service agencies shall be made;
- o) A minimum suspension period for students who repeatedly are substantially disruptive of the educational process or substantially interfere with the teacher's authority over the classroom, provided that the suspending authority may reduce such period on a case-by-case basis to be consistent with any other state and federal law. For purposes of this requirement, as defined in Commissioner's Regulations, "repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom" shall mean engaging in conduct which results in the removal of the student from the classroom by teacher(s) pursuant to the provisions of Education Law Section 3214(3-a) and the provisions set forth in the *Code of Conduct* on four (4) or more occasions during a semester, or three (3) or more occasions during a trimester, as applicable;
- p) A minimum suspension period for acts that would qualify the student to be defined as a violent student pursuant to Education Law Section 3214(2-a)(a). However, the suspending authority may reduce the suspension period on a case-by-case basis consistent with any other state and federal law;
- q) A Bill of Rights and Responsibilities of Students which focuses upon positive student behavior and a safe and supportive school climate, which shall be written in plain-language, publicized and explained in an age-appropriate manner to all students on an annual basis; and

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2018

3410

Community Relations 4 of 5

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

- r) Guidelines and programs for in-service education programs for all District staff members to ensure effective implementation of school policy on school conduct and discipline, including but not limited to, guidelines on promoting a safe and supportive school climate while discouraging, among other things, discrimination, bullying and/or harassment against students by students and/or school employees; and including safe and supportive school climate concepts in the curriculum and classroom management.

The District's *Code of Conduct* shall be adopted by the Board only after at least one (1) public hearing that provided for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties.

The *Code of Conduct* shall be reviewed on an annual basis, and updated as necessary in accordance with law. The District may establish a committee pursuant to Education Law Section 2801(5)(a) to facilitate review of its *Code of Conduct* and the District's response to *Code of Conduct* violations. The Board shall reapprove any updated *Code of Conduct* or adopt revisions only after at least one (1) public hearing that provides for the participation of school personnel, parents/persons in parental relation, students, and any other interested parties. The District shall file a copy of its *Code of Conduct* and any amendments with the commissioner, in a manner prescribed by the Commissioner, no later than thirty (30) days after their respective adoptions.

The Board shall ensure community awareness of its *Code of Conduct* by:

- a) Posting the complete *Code of Conduct* on the Internet website, if any, including any annual updates and other amendments to the Code;
- b) Providing copies of a summary of the *Code of Conduct* to all students in an age-appropriate version, written in plain language, at a school assembly to be held at the beginning of each school year;
- c) Providing a plain language summary of the *Code of Conduct* to all parents or persons in parental relation to students before the beginning of each school year and making the summary available thereafter upon request;
- d) Providing each existing teacher with a copy of the complete *Code of Conduct* and a copy of any amendments to the Code as soon as practicable following initial adoption or amendment of the Code. New teachers shall be provided a complete copy of the current Code upon their employment; and
- e) Making complete copies available for review by students, parents or persons in parental relation to students, other school staff and other community members.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2018

3410

Community Relations 5 of 5

SUBJECT: CODE OF CONDUCT ON SCHOOL PROPERTY

Privacy Rights

As part of any investigation, the District has the right to search all school property and equipment including District computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the District for the use of staff and students, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Education Law Sections 11(8), 801-a, 2801 and 3214
Family Court Act Articles 3 and 7
Vehicle and Traffic Law Section 142
8 NYCRR Section 100.2

NOTE: Refer also to *District Code of Conduct*

Adoption Date: 12/18/2018

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2018

3320

Community Relations

SUBJECT: CONFIDENTIALITY OF COMPUTERIZED INFORMATION

The development of centralized computer banks of educational data gives rise to the question of the maintenance of confidentiality of such data while still conforming to the New York State Freedom of Information Law. The safeguarding of confidential data from inappropriate use is essential to the success of the District's operation. Access to confidential computerized data shall be limited only to authorized personnel of the District.

It shall be a violation of the District's policy to release confidential computerized data to any unauthorized person or agency. Any employee who releases or otherwise makes improper use of such computerized data shall be subject to disciplinary action.

However, if the computerized information sought is available under the Freedom of Information Law and can be retrieved by means of existing computer programs, the District is required to disclose such information.

Public Officers Law Sections 84 et seq.

Adoption Date: 11/20/2018

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7240

Students

1 of 8

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The District shall comply with the provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). Under its provisions, parents/guardians and noncustodial parent(s), whose rights are not limited by court order or formal agreement, of a student under eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, have a right to inspect and review any and all education records maintained by the School District.

Education Records

The term "education records" is defined as all records, files, documents and other materials containing information directly related to a student; and maintained by the education agency or institution, or by a person acting for such agency or institution (34 Code of Federal Regulations (CFR) Section 99.3). This includes all records regardless of medium, including, but not limited to, handwriting, videotape or audiotape, electronic or computer files, film, print, microfilm, and microfiche.

In addition, for students who attend a public school district, all records pertaining to services provided under the Individuals with Disabilities Education Act (IDEA) are considered "education records" under FERPA. As such, they are subject to the confidentiality provisions of both Acts.

Personal notes made by teachers or other staff, on the other hand, are not considered education records if they are:

- a) Kept in the sole possession of the maker;
- b) Not accessible or revealed to any other person except a temporary substitute; and
- c) Used only as a memory aid.

Additionally, FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official's personal knowledge or observation and not from the student's education records.

Access to Student Records

The purpose of this policy shall be to make available to the parents/guardians of students and noncustodial parent(s) whose rights are not limited by court order or formal agreement, or students who are eighteen (18) years of age or older or who are attending an institution of post-secondary education, student records, and files on students, and to ensure the confidentiality of such records with respect to third parties.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7240

Students

2 of 8

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

Under FERPA, unless otherwise exempted in accordance with law and regulation, the District may release PII contained in student education records only if it has received a "signed and dated written consent" from a parent or eligible student. Signed and dated written consent may include a record and signature in electronic form provided that such signature:

- a) Identifies and authenticates a particular person as the source of the electronic consent; and
- b) Indicates such person's approval of the information contained in the electronic consent.

Exceptions

Without the consent of a parent or eligible student, a district may release a student's information or records when it is:

a) Directory Information and Limited Directory Information

Directory information is information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. Limited Directory Information Disclosure means that the District may limit disclosure of its designated directory information to specific parties, for specific purposes, or both. The intent is to allow schools the option to implement policies that allow for the disclosure of student information for uses such as yearbooks, but restrict disclosure for more potentially dangerous purposes. The District shall limit disclosure of its designated directory information as otherwise specified in its public notice to parents of students in attendance and eligible students in attendance.

b) To School Offices who have a Legitimate Educational Interest

To other school officials, including teachers, within the educational agency or institution whom the school has determined to have legitimate educational interests. An educational interest includes the behavior of a student and disciplinary action taken against such student for conduct that posed a significant risk to the safety or well-being of the student, other students or other members of the school community. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill their professional responsibility.

c) To Another Educational Institution

The District may disclose any and all educational records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of IDEA, to another school or postsecondary institution at which the student seeks or intends to enroll, or after the student has enrolled or transferred, so long as the disclosure is for purposes related to the student's enrollment or transfer. Parental consent is not required for transferring education records if the school's annual FERPA notification indicates that such disclosures may be made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7240

Students

3 of 8

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

d) For Health and Safety Emergency Reasons

School districts must balance the need to protect students' personally identifiable information with the need to address issues of school safety and emergency preparedness. Under FERPA, if an educational agency or institution determines that there is an articulable and significant threat to the health or safety of a student or other individuals, it may disclose information from education records, without consent, to any person whose knowledge of the information is necessary to protect the health and safety of the student or other individuals during the period of the health or safety emergency. School districts may release information from records to appropriate parties including, but not limited to, parents, law enforcement officials and medical personnel. A school district's determination that there is an articulable and significant threat to the health or safety of a student or other individuals shall be based upon a totality of the circumstances, including the information available, at the time the determination is made. The school district must record the articulable and significant threat that formed the basis for the disclosure and maintain this record for as long as the student's education records are maintained.

e) To Juvenile Justice Systems

Information may be disclosed to state and local officials or authorities to whom information is specifically allowed to be reported or disclosed by a state statute that concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records were released. In such cases the official or authority must certify in writing that the information will not be disclosed to any other party except as provided under law without prior written consent.

f) To Foster Care Agencies

A district may release records to an agency caseworker or other representative of a State or local child welfare agency, who has the right to access a student's case plan, when the agency or organization is legally responsible, for the care and protection of the student. This does not give a child welfare agency the right to look into any non-foster care student's records, without parental consent, when there has been a mere allegation of abuse or neglect, absent an order or subpoena (see below).

g) Pursuant to a Subpoena or Court Order

When a district receives a subpoena or court order for the release of records the District must make a reasonable effort to notify the parent/guardian or eligible student of the order or subpoena in advance of compliance. This allows the parent/guardian or eligible student to seek protective action against the subpoena or order before the release of the records.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7240

Students

4 of 8

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

Districts may disclose a student's records without first notifying parents/guardians or eligible students if the disclosure is:

- 1) Based on a subpoena in which the court orders, for good cause shown, not to reveal to any person the existence or contents of the subpoena or any information furnished pursuant to the subpoena;
- 2) Pursuant to a judicial order in cases where the parents are a party to a court proceeding involving child abuse or neglect or dependency matters, and the order is issued in the context of that proceeding; or
- 3) Made to a court (with or without an order or subpoena) when a District is involved in a legal action against a parent or student and the records are relevant to the matter.

h) For Financial Aid Purposes

Pertinent information may be released in connection with the determination of eligibility, amount, conditions and enforcement of terms of a student's financial aid.

i) To Accrediting Organizations

Disclosure of a student's records may be made to an organization in which that student seeks accreditation, in order to carry out their accrediting function.

j) To Parents of a Dependent Student

Even when a student turns eighteen (18) years of age or older a District may disclose education records to that student's parents, without the student's consent, if the student is claimed as a dependent for federal income tax purposes by either parent.

k) For Audit/Evaluation Purposes

The audit or evaluation exception allows for the disclosure of PII from education records without consent to authorized representatives of the Comptroller General of the U.S., the Attorney General, the Secretary of Education, federal, state or local educational authorities ("FERPA permitted" entities). Under this exception, PII from education records must be used to audit or evaluate a federal or state supported education program, or to enforce or comply with federal legal requirements that relate to those education programs (audit, evaluation, or enforcement or compliance activity).

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7240

Students

5 of 8

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

The District may, from time to time, disclose PII from education records without consent to authorized representatives of the entities listed above. The District may also, from time to time, designate its own authorized representative who may access PII without consent in connection with an audit or evaluation of an education program within the District. As an example, the District might designate a university as its authorized representative in order to disclose, without consent, PII from education records on its former students to the university. The university could then disclose, without consent, transcript data on those former students attending the university to allow the District to evaluate how effectively the District prepared its students for success in postsecondary education.

l) For Conducting Studies

This exception allows for the disclosure of PII from education records without consent to organizations conducting studies for, or on behalf of, schools, school districts or postsecondary institutions. Studies can be for the purpose of developing, validating, or administering predictive tests; administering student aid programs; or improving instruction.

The District may, from time to time, disclose PII from education records without consent to such organizations conducting studies for the District, in accordance with its obligations under FERPA.

In addition, other entities outside of the District may, from time to time, disclose PII from education records that the District has previously shared with that entity, to organizations conducting studies on behalf of the District. For example, a State Education Agency (SEA) may disclose PII from education records provided by the District without consent to an organization for the purpose of conducting a study that compares program outcomes across school districts to further assess the effectiveness of such programs with the goal of providing the best instruction.

Required Agreements for the Studies or Audit/Evaluation Exceptions (see items k and l)

To the extent required by law, the District shall enter into a written agreement with organizations conducting studies for the District, or, with its designated authorized representatives in connection with audits or evaluations of education programs within the District. In the event that the District discloses PII from education records to its own designated authorized representative in connection with an audit or evaluation of an educational program within the District, it shall use reasonable methods to ensure to the greatest extent practicable that its designated authorized representative complies with FERPA and its regulations.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7240

Students

6 of 8

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

State Exception for Student Teacher Videotaped Instruction

Although not specifically listed in the enumerated exceptions to FERPA, New York State Regulations specify that schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet the instruction component for teaching certification. The video must remain confidential and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and personnel engaged in the determination of that student teacher's certification.

Parent/Guardian or Eligible Student Access Rights

- a) The District, hereinafter referred to as "the District," shall, upon request of a parent/guardian or eligible student (which is defined under FERPA as a student who is eighteen [18] years of age or older or who is attending an institution of post-secondary education), permit the parent/guardian to inspect, review, or copy any education record relating to the child or children of that parent/guardian when such record is collected, maintained, or used by the District. The District shall fulfill the request within forty-five (45) days after the request is received.
- b) The right to inspect, review, or copy education records includes:
 - 1) The right of a parent/guardian to request of and receive from the District a reasonable explanation of information contained in the education records of the child;
 - 2) The right of a parent/guardian to be provided, on request, with a copy of all or part of the education records of the child; and
 - 3) The right of a parent/guardian to designate a representative who will inspect, review, or copy the records.
- c) If a parent/guardian requests copies of education records from the District, the District may charge the parent/guardian a reasonable cost which will not exceed the actual expense of the duplication. However, no cost shall be charged to a parent/guardian for inspecting and reviewing the record or records. No cost shall be charged to a parent/guardian for the search for or retrieval of records.
- d) A parent/guardian shall have the right to request a list of the types and the location of the child's educational records collected, maintained, or utilized by the District.
- e) At the discretion of the District and for verification and record keeping purposes only, the District may require all parents/guardians to put into writing:
 - 1) Their oral requests to inspect, review, copy or receive copies of education records;
 - 2) Their oral designations of a representative; and
 - 3) Their oral requests for a list of the types and location of records.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7240

Students

7 of 8

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

- f) Student access rights. Whenever a student has attained eighteen (18) years of age or is attending an institution of post-secondary education, the rights accorded to and the consent required of the parent/guardian of the student shall thereafter only be accorded to and required of the student (except as otherwise provided below).

Access Recordkeeping

The District shall keep a record of parties who have obtained access to the education records of a student. The access record shall include the name of the party, the date of access, and the purpose for which the party was allowed to use the records.

Challenge to Student Records

Parents/guardians of a student under the age of eighteen (18), or a student who is eighteen (18) years of age or older or who is attending an institution of post-secondary education, shall have an opportunity for a hearing to challenge the content of the school records, to ensure that the records are not inaccurate, misleading, or otherwise in violation of the privacy of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Right to Request a Hearing

The District shall, on parent/guardian (or eligible student) request, provide the parent/guardian with an opportunity for a hearing to challenge information in education records if it is alleged that such information is inaccurate, misleading, or otherwise in violation of the privacy or other rights of the child. The hearing shall be conducted according to the following provisions:

- a) The hearing shall be held within a reasonable time after the District receives the request for a hearing from the parent/guardian.
- b) The parent/guardian shall be notified in writing, of the date, place and time of the hearing reasonably in advance of the hearing.
- c) The hearing shall be conducted by any individual, including a school district official, who does not have a direct interest in the outcome of the hearing.
- d) The parent/guardian shall be afforded a full and fair opportunity to present evidence relevant to the issues.
- e) The parent/guardian may, at the hearing, be assisted or represented by persons of their choice at their own expense; such persons may include legal counsel.

Decision after Hearing

The Hearing Officer shall render a written decision on the issues presented at the hearing within a reasonable time after the conclusion of the hearing. The decision shall be based solely upon evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7240

Students

8 of 8

SUBJECT: STUDENT RECORDS: ACCESS AND CHALLENGE

Decision to Amend

If, as a result of the hearing, the Hearing Officer decides that the information is inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall amend the education records accordingly and so inform the parent/guardian in writing.

Decision not to Amend

If, as a result of the hearing, the Hearing Officer decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy rights of the student, the District shall inform the parent/guardian of their right to place in the education record of the student a statement which sets forth the written comments of the parent/guardian regarding the information in the education records or reasons for disagreeing with the decision of the Hearing Officer or both written comments and reasons. The statement of the parent/guardian shall be appended by the agency to the education records so long as the record or the contested portion thereof is maintained by the District. If the education records of the students or the contested portion thereof are released by the District to any party, the statement of the parent/guardian shall also be released to the party.

Nothing in this section shall be interpreted to mean that the parent/guardian and the District may not, by mutual agreement, meet prior to either a parent/guardian request for a hearing or the hearing itself in order to discuss the concerns of the parent/guardian regarding the accuracy or inaccuracy of the records of the student.

Release of Information to the Noncustodial Parent

The District may presume that the noncustodial parent has the authority to request information concerning their child and release such information upon request. If the custodial parent wishes to limit the noncustodial parent's access to the records, it would be their responsibility to obtain and present to the school a legally binding instrument that prevents the release of said information.

Family Educational Rights and Privacy Act of 1974, 20 USC Section 1232g
34 CFR Part 99
8 NYCRR 80-1.5(b)

NOTE: Refer also to Policies #7241 - Student Directory Information
#7242 - Military Recruiters' Access to Secondary School
Students and Information on Students
#7643 - Transfer Students with Disabilities

Adoption Date: 02/24/2025
10/26/2020

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6120

Personnel

1 of 2

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

Overview

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses employment discrimination. It is just one component of the District's 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 District is an equal opportunity employer that does not discriminate against any employee or applicant for employment in its programs and activities on the basis of any legally protected class or category including, but not limited to: age; race; creed; religion; color; national origin; sexual orientation; gender identity or expression; military status; sex; disability; predisposing genetic characteristics; familial status; marital status; status as a victim of domestic violence; and criminal arrest or conviction record.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of employment discrimination. The District will promptly respond to reports of employment 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 District's Civil Rights Compliance Officer (CRCO).

Reporting Allegations of Employment Discrimination

Any person may report employment discrimination regardless of whether they are the alleged victim or not. Reports of employment discrimination may be made orally or in writing to the District's CRCO or any other District employee including, but not limited to, a supervisor or building principal.

All District employees who witness or receive an oral or written report of employment 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 District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy # 6121, Policy Against Discrimination and Harassment.

Grievance Process for Complaints of Employment Discrimination

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

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6120

Personnel

2 of 2

SUBJECT: EQUAL EMPLOYMENT OPPORTUNITY

Various District policies and documents address employment discrimination. These policies and documents may include: Policy # 6121, Policy Against Discrimination and Harassment. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff to determine which District policies and/or documents are applicable to the specific facts of the complaint.

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

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

The District 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 employment 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 District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the 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.

8 USC § 1324b/29 USC § 206/42 USC § 1981
Age Discrimination in Employment Act of 1967 (ADEA), 29 USC §
621 et seq. Americans with Disabilities Act (ADA), 42 USC § 12101 et seq.
Genetic Information Non-Discrimination Act (GINA),
42 USC § 2000ff et seq. National Labor Relations Act (NLRA),
29 USC § 151 et seq. Section 504 of the Rehabilitation Act of 1973,
29 USC § 790 et seq. Title VI of the Civil Rights Act of 1964, 42 USC § 2000d et seq.
Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq. Title IX of the Education Amendments Act of 1972,
20 USC § 1681 et seq.
Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC § 4301 et seq.
28 CFR Part 35/29 CFR Chapter I – National Labor Relations Board 29 CFR Chapter XIV –
Equal Employment Opportunity Commission
34 CFR Parts 100, 104, and 106/45 CFR Part 86/Civil Rights Law §§ 40, 40-a, 40-c, 47-a, 47-b, and 48-a/Civil Service Law §§ 75-b and
115/Correction Law § 752/Labor Law §§ 194-a, 201-d, 201-g, 203-e, 206-c, and 215
New York State Human Rights Law, Executive Law § 290 et seq./Military Law §§ 242, 243,
and 318/9 NYCRR § 466 et seq.

NOTE: Refer also to Policies: #3421 - Title IX Policy Against Sexual Harassment and Sex
Discrimination
#6121 - Policy Against Discrimination and Harassment

Adoption Date: 03/18/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

1 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Overview

The District believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the District is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is the District's policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship, prior arrest or conviction record, domestic violence victim status or any other characteristics protected by applicable federal, state or local law.

Scope and Application

This Policy applies to all District employees and all personnel in a contractual or other business relationship with the District including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), volunteers, visitors, independent contractors, contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace, including employees of independent contractors, contractors, subcontractors, vendors, consultants, or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term "employees" refers to this collective group. This Policy applies with equal force on District property as it does at District-sponsored events, programs, and activities that take place off District premises.

By adopting and publishing this Policy, it is the intention of the District's Board of Education to:

- a) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
- b) Inform employees about the complaint and investigation procedures established by the District that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by the District;

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

2 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

- c) Clearly advise all supervisory staff, administrators, and employees that harassment, discrimination and retaliation is strictly prohibited and no such person possesses the authority to harass or discriminate; and
- d) Notify all employees that the District has appointed Civil Rights Compliance Officer who are specifically designated to receive complaints and ensure compliance with this Policy.

NOTE: The names and office location of each Civil Rights Compliance Officer designated to receive and investigate complaints are listed below in Compliance Officer (s) section of this Policy. Any change in the designated Civil Rights Compliance Officer shall be distributed in writing to all current employees and shall be posted.

Definitions

“Prohibited Discrimination of Employees” Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a District employee or official or a third party engaged in activities sponsored by the District which is based upon the employee’s protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee’s employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

“Harassment” Harassment is strictly prohibited and includes, but is not limited to, any conduct that is unwelcome and that subjects an employee to inferior terms, conditions, or privileges of employment because of an individual’s membership in one or more of the protected categories. Harassment does not have to be severe or pervasive to be illegal or violate this policy. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

“Sexual Harassment” Sexual harassment is strictly prohibited. It 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

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

3 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do.

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) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- b) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
- c) Such gender-based conduct has the purpose or effect of subjecting an employee to inferior terms, conditions, or privileges of employment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

Who can be the target of harassment?

Harassment can occur between any individuals, regardless of their sex, gender or other protected status. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Where can harassment occur?

Unlawful harassment is not limited to the physical workplace itself. It can occur while employees are working remotely, traveling for business or at employer sponsored events or parties. Harassment can occur on virtual meeting platforms, in messaging apps, and between personal cell phones. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

4 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

“Prohibited Behavior and Examples of Harassment, including Sexual Harassment”

Specific forms of behavior the District considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below are examples and should not be interpreted in any way as being all-inclusive.

Verbal: Abusive verbal language including jokes, comments, teasing or threats related to an employee's protected characteristic, sexual activity and/or body parts whether or not said in that person's presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person's appearance that make the person feel uncomfortable because of his or her protected characteristic; sex stereotyping; continuing to ask someone for dates or to meet after work after the person has made it clear that he or she does not want to go; comments about an employee's anatomy or protected characteristic that are unwelcome; and unwelcome advances or demands based on someone's protected characteristic. This includes verbal remarks made over virtual platforms and in messaging apps when employees are working remotely.

Nonverbal: Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; staring at a person's body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the District e-mail system or other electronic communication devices (e.g. voice mail) or using the District's mail, computers or cell phones to view material that is demeaning or derogatory based on one's protected characteristic. This includes the virtual or remote workspace and can include materials visible in the background of one's home during a virtual meeting.

Physical: Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person's body, unnecessary touching and flashing or other unwelcome physical conduct.

Other: Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying, yelling, or name-calling.

Any employee who feels discriminated against or harassed should report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

5 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

The District prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The District will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, District officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, administrator, or one of the Civil Rights Compliance Officer listed in Compliance Officer section of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, administrators and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the District's designated Civil Rights Compliance Officer. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns of discrimination or harassment, the employee should immediately contact one of the District's designated Civil Rights Compliance Officer.

Each employee is assured pursuant to Prohibition Against Retaliation and Abuse of the Policy section of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws shall be subject to discipline, up to and including termination of employment. Any employee who believes they have been retaliated against in violation of this policy should report violations to one of the Civil Rights Compliance Officer listed in Compliance Officers section of this Policy in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Civil Rights Compliance Officer listed in the Civil Rights and Compliance Officer(s) Section.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

6 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Complaint Procedure for Employees

1. Notification Procedure

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact their supervisor or a Civil Rights Compliance Officer listed in Compliance Officer(s) section of this Policy, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to their supervisor or a Civil Rights Compliance Officer listed in Compliance Officer(s) section of this Policy, or another administrator. Employees should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can occur in different degrees, potential discipline for engaging in harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.

2. Making a Complaint

Complaints are accepted orally and in writing. All employees are encouraged to use the District's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Civil Rights Compliance Officer, with no questions asked, or from the District's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the District encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, they can obtain assistance from any one of the Civil Rights Compliance Officer or the supervisor to which they complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the District's Civil Rights Compliance Officer or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the District's Civil Rights Compliance Officer.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

7 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Complainants are expected to cooperate with the District's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

If the allegations forming the basis of a complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the District's response, including the investigation procedures, will be governed by Title IX and the District's Title IX Policy.

3. Supervisory Responsibilities

Supervisors and administrators have a responsibility to prevent sexual harassment and discrimination. All supervisors and administrators who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior or for any reason suspects that harassment is occurring, are required to report such suspected harassment or discrimination to one of the District's Civil Rights Compliance Officer.

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

Supervisors and administrators will also be subjected to discipline for engaging in any retaliation.

While supervisors and administrators have a responsibility to report harassment and discrimination, supervisors and administrators must be mindful of the emotional impact to the complainant as well as all parties involved. Supervisors and administrators will ensure complaints are handled with sensitivity and without retaliation.

4. Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. The following are standard methods of bystander intervention that can be used by a witness to discrimination or harassment who wants to intervene:

- a. Interrupting harassment by engaging with the individual being harassed;
- b. Asking a third party to help intervene in harassment;
- c. Making a record of the harassment to benefit a future investigation;
- d. Following up with the harassed individual and confirming the behavior was not okay; or

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

8 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

- e. If safe, confronting the harasser(s) and naming the behavior as inappropriate. When confronting harassment, physically assaulting an individual or reciprocating by engaging in harassment, is never an appropriate response.

Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide for how to react when witnessing harassment in the workplace. As set forth above, any employee witnessing harassment as a bystander is encouraged to report it; a supervisor or administrator who is a bystander to harassment is required to report it.

Time for Reporting a Complaint

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

Confidentiality and Privacy

The District shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the District may be required by law to contact and cooperate with the appropriate law enforcement authorities. During the pendency of an investigation the District will consider implementation of appropriate mitigating measures in an effort to ensure against retaliation and ensure complaints and investigations are handled with sensitivity toward those participating.

Acknowledgement of Complaint

Upon receipt of an oral or written complaint, the Civil Rights Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, she/he is encouraged to contact a Civil Rights Compliance Officer or his/her supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

INVESTIGATION PROCEDURES

A. Timing of Investigations

The District will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The District will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

9 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

B. Method of Investigation

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by District Civil Rights Compliance Officer, District's legal counsel, and/or other impartial persons designated by the District. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur?;
- Did the conduct complained of violate this Policy?; and
- What remedial measures or preventative steps, if any, shall be taken?

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation, depositions, observations, or other reasonable methods. District investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by District employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint, together with any remedial actions.

C. Notification to Complaining Party and the Accused Party

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party. The District will remind the individual(s) reporting the complaint of his/her rights pursuant to the Legal Protections and External Remedies section of this Policy.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

10 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

D. Remedial Measures

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being conducted pursuant to this Policy, remedial measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy, may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from District property.

PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours). Examples of retaliation may include, but are not limited to: demotion, termination, denying accommodations, reducing hours, or the assignment of less desirable shifts; publicly releasing personnel files; refusing to provide a reference or providing an unwarranted negative reference; labeling an employee as “difficult” and excluding him/her from projects to avoid “drama;” undermining an individual’s immigration status; or reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Retaliation is strictly prohibited by this Policy and by law against anyone for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

11 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if they 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 or discrimination.

Complaints of retaliation should be brought directly to a Civil Rights Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

RECORD KEEPING

The District shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The District shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The District shall also maintain these documents for, at a minimum, three years.

The District's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the District but are also prohibited by state, federal, and, where applicable, local law.

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

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

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment and harassment based on other protected characteristics set forth in this Policy, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

12 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Complaints with DHR may be filed any time **within one year** of the discrimination or harassment. Complaints of sexual harassment may be filed with DHR at any time **within three years** of the alleged sexual harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged harassment, including 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.

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

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual or other illegal harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual or other illegal 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 (in sex discrimination and sexual harassment cases only) and civil fines.

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

Go to dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on a computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide a referral to a volunteer attorney experienced in sexual harassment matters who can provide limited free assistance and counsel over the phone.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

13 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

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 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the discrimination or 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. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred but does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

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

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

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 40 Rector Street, 10th Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6121

Personnel

14 of 14

SUBJECT: POLICY AGAINST DISCRIMINATION AND HARASSMENT

Contact the Local Police Department

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

QUESTIONS

Any questions by employees of the District about this Policy or potential harassment or discrimination should be brought to the attention of one of the District's Civil Rights Compliance Officers. The name, address, and telephone numbers of the District's Civil Rights Compliance Officers are listed in Compliance Officer section of this Policy.

CIVIL RIGHTS COMPLIANCE OFFICERS

Donna Assistant Superintendent for Administrative Services

dhill@lew-port.com, 716-286-7240

District Office, 4061 Creek Road, Youngstown, NY 14174

Andrea Tamarazio, Director of Curriculum, Instruction, Technology and Data

atamararizo@lew-port.com, 716-286-7295

District Office, 4061 Creek Road, Youngstown, NY 14174

EFFECTIVE DATE AND POLICY DISSEMINATION

The effective date of this Policy, as revised, shall be December 18, 2023. The District Superintendent shall ensure that this Policy is adequately disseminated and made available to all employees of the District. This Policy shall be distributed at the time of hire, and at every annual training regarding prevention of sexual harassment. In addition, copies of this Policy and Complaint Form shall be maintained in the office of each Civil Rights Compliance Officer as well as the District's Policy Manual that is available December 19, 2023 and through the Board of Education Page of the District website <https://www.lew-port.com>.

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

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

29 CFR Section 1604.11(a); 34 CFR Subtitle B, Chapter I

Civil Service Law Section 75-b; New York State Human Rights Law, Executive Law Section 290 et seq.

Labor Law Sections 201-g and 740

Note: Upon the effective date of this Policy, as revised, the provisions of this Policy shall supersede and replace the following prior District policies and regulations regarding employee discrimination and harassment: Policy 6121 Sexual Harassment in the Workplace, 3420 Non-Discrimination and Anti-Harassment in the District.

Adoption Date: 12/18/2023 (revised 09/27/2024)

**LEWISTON-PORTER CENTRAL SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND/OR RETALIATION
COMPLAINT FORM**

The District prohibits discrimination and harassment, sexual harassment on school property and at school functions on the basis of any legally protected class including, but not limited to: race; color; religion; disability; national origin; sexual orientation; gender identity or expression; military status; sex; age; and marital status.

If you believe that you have been subjected to or have witnessed discrimination, harassment, sexual harassment and/or retaliation, you are encouraged, but not required, to report it to the District. You will not be retaliated against for making a report.

The District will promptly respond to reports of discrimination, harassment, sexual harassment and/or retaliation, 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.

Instructions

The District will investigate all complaints of discrimination and/or harassment regardless of the form in which those complaints are made. However, this form may be used to make a report of discrimination, harassment, and/or retaliation.

Once completed, it should be submitted to the District's Civil Rights Compliance Officer (CRCO) in person or by mail, email, or other method made available by the District. Completing this form as thoroughly as possible will assist the District in providing for the prompt, thorough, and equitable resolution of all allegations. Inquiries about the completion or submission of this form may be directed to the District's CRCO or a trusted staff member with whom you feel comfortable.

The District has designated the following District employee to serve as its CRCO:

Donna L. Hill, Asst. Superintendent for Administrative Services
dhill@lew-port.com, 716-286-7240
District Office, 4061 Creek Road, Youngstown, NY 14174

If you are more comfortable reporting verbally or in another manner, the person to whom you report the discrimination, harassment, and/or retaliation will complete this form, provide you with a copy, and follow any required processes.

You may use additional sheets of paper if needed and attach any relevant materials or evidence to this complaint form.

Continued

**LEWISTON-PORTER CENTRAL SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND/OR RETALIATION
COMPLAINT FORM**

Information about the Complainant

(The person who is making the report of discrimination, harassment, sexual harassment and/or retaliation)

First and last name: _____

Complainant's relationship to the District:

(Check all that apply)

- | | | |
|--|------------------------------------|---|
| <input type="checkbox"/> Student | <input type="checkbox"/> Employee | <input type="checkbox"/> Job applicant |
| <input type="checkbox"/> Parent/legal guardian | <input type="checkbox"/> Volunteer | <input type="checkbox"/> Contractor/subcontractor/vendor/consultant |
| <input type="checkbox"/> Student teacher | <input type="checkbox"/> Intern | <input type="checkbox"/> Other _____ |

Primary building or location: _____

Further details including, if applicable, grade or title: _____

Complainant's contact information:

Address: _____

Home phone: _____ Cell phone: _____ Work phone: _____

Email: _____

Select preferred communication method:

- ☐ Home phone ☐ Cell phone ☐ Work phone ☐ Email ☐ In-person

Supervisory Information

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____ Work Address: _____

Information about the Alleged Victim

(The person alleged to have experienced the discrimination, harassment, sexual harassment, and/or retaliation.)

Is the complainant the alleged victim? ☐ Yes ☐ No

If the complainant is not the alleged victim, complete the following as thoroughly as possible.

First and last name: _____

Continued

2023

6121F.1

Personnel

3 of 6

**LEWISTON-PORTER CENTRAL SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND/OR RETALIATION
COMPLAINT FORM**

Alleged victim's relationship to the District:
(Check all that apply)

<input type="checkbox"/> Student	<input type="checkbox"/> Employee	<input type="checkbox"/> Job applicant
<input type="checkbox"/> Parent/legal guardian	<input type="checkbox"/> Volunteer	<input type="checkbox"/> Contractor/subcontractor/vendor/consultant
<input type="checkbox"/> Student teacher	<input type="checkbox"/> Intern	<input type="checkbox"/> Other _____

Primary building or location: _____

Further details including, if applicable, grade or title: _____

Alleged victim's contact information:

Address: _____

Home phone: _____ Cell phone: _____ Work phone: _____

Email: _____

Information about the Respondent

(The person alleged to have perpetrated the discrimination, harassment, sexual harassment and/or retaliation.)

First and last name: _____

Respondent's relationship to the alleged victim:

<input type="checkbox"/> Classmate	<input type="checkbox"/> Teacher	<input type="checkbox"/> Student	<input type="checkbox"/> Supervisor
<input type="checkbox"/> Supervisee	<input type="checkbox"/> Co-worker	<input type="checkbox"/> Other _____	

Respondent's relationship to the District:

<input type="checkbox"/> Student	<input type="checkbox"/> Employee	<input type="checkbox"/> Job applicant
<input type="checkbox"/> Parent/legal guardian	<input type="checkbox"/> Volunteer	<input type="checkbox"/> Contractor/subcontractor/vendor/consultant
<input type="checkbox"/> Student teacher	<input type="checkbox"/> Intern	<input type="checkbox"/> Other _____

Primary building or location: _____

Further details including, if applicable, grade or title: _____

Continued

**LEWISTON-PORTER CENTRAL SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND/OR RETALIATION
COMPLAINT FORM**

Respondent's contact information:

Address: _____

Home phone: _____ Cell phone: _____ Work phone: _____

Email: _____

Information about the Alleged Incident(s)

(Check all that apply)

- ☐ Discrimination -- Generally stated, discrimination consists of the differential treatment of an individual or group of people on the basis of their membership in a legally protected class.
- ☐ Harassment -- Generally stated, harassment consists of subjecting an individual, on the basis of membership in a legally protected class, to unwelcome conduct and/or communications.
- ☐ Retaliation -- Generally stated, retaliation consists of subjecting an individual to adverse action because the individual participated in a legally protected activity.

Indicate the basis of discrimination and/or harassment, sexual harassment:

(Check all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Age | <input type="checkbox"/> Creed | <input type="checkbox"/> Sexual orientation |
| <input type="checkbox"/> Sex | <input type="checkbox"/> Religion | <input type="checkbox"/> Gender identity or expression |
| <input type="checkbox"/> Race | <input type="checkbox"/> Marital status | <input type="checkbox"/> Predisposing genetic characteristics |
| <input type="checkbox"/> Color | <input type="checkbox"/> Familial status | <input type="checkbox"/> Criminal arrest or conviction record |
| <input type="checkbox"/> National Origin | <input type="checkbox"/> Military status | <input type="checkbox"/> Status as a victim of domestic violence |
| <input type="checkbox"/> Disability | <input type="checkbox"/> Retaliation | |

☐ Other [specify what you believe to be the basis of the discrimination and/or harassment] _____

Describe the alleged incident(s) of discrimination, harassment, sexual harassment, and/or retaliation and include as many details as possible. **Include any known date(s), time(s), and place(s) of the alleged incident(s).** You may use additional sheets of paper if necessary. If you have any relevant documents or evidence, please include them.

Continued

2023

6121F.1

Personnel

5 of 6

**LEWISTON-PORTER CENTRAL SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND/OR RETALIATION
COMPLAINT FORM**

Is the discrimination, harassment, and/or retaliation continuing? ☐ Yes ☐ No

Information about Witnesses

If possible, please list the names and known contact information for any witnesses, individuals who may have information related to this report, or individuals you have discussed the alleged incident(s) with:

Information about Previous Reports

Have you previously provided information (verbal or written) about this or related incidents? If yes, when and to whom did you provide information? What was the remedy, outcome, or resolution?

Information about Legal Counsel

This is not required, but if you have retained legal counsel and would like the District to work with them, please provide their name and contact information:

Additional Information

Did you use additional sheets of paper and/or attach any relevant materials or evidence in completing this form? ☐ Yes ☐ No

If yes:

Indicate how many additional sheets of paper have been attached: _____

Identify all relevant materials and evidence that have been attached: _____

I certify that the facts in this report are true to the best of my knowledge, information, and belief.

First and last name: _____

Signature: _____

Date: _____

Continued

2023

6121F.1

Personnel

6 of 6

**LEWISTON-PORTER CENTRAL SCHOOL DISTRICT
DISCRIMINATION, HARASSMENT, SEXUAL HARASSMENT AND/OR RETALIATION
COMPLAINT FORM**

For District Use Only

Complaint initially received on: _____

Form initially completed by:

☐ The complainant

☐ _____ based on a verbal report
(name and title)

☐ _____ based on a written report
(name and title)

☐ Other _____

Indicate to whom and the date that this complaint was forwarded, if at all: _____

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6190

Personnel

1 of 7

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

Overview

The District is committed to the safety and security of its employees. Workplace violence presents a serious occupational safety hazard. The goal of this policy is to promote the safety and well-being of all people in the workplace.

Acts of violence against any employee where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken, including involving law enforcement authorities when warranted. All employees are responsible for: helping to create an environment of mutual respect for each other, as well as students, parents, and other visitors; following all applicable documents; and for assisting in maintaining a safe and secure work environment.

This policy was developed in consultation with the authorized employee representative(s) and is designed to meet the requirements of New York State Labor Law.

Definitions

For purposes of this policy, the following definitions apply:

- a) "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to Article 14 of the Civil Service Law, the Public Employees' Fair Employment Act.
- b) "Imminent danger" means any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of the danger can be eliminated through the enforcement procedures.
- c) "Retaliatory action" means the discharge, suspension, demotion, penalization, or discrimination against any employee, or other adverse employment action taken against an employee in the terms and conditions of employment.
- d) "Serious physical harm" means physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ or a sexual offense as defined in Penal Law.
- e) "Serious violation" means a serious violation of the public employer workplace violence prevention program is the failure to:
 - 1. Develop and implement a program;

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6190

Personnel

2 of 7

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

2. Address situations which could result in serious physical harm.
 - f) "Supervisor" means any person within the District who has the authority to direct and control the work performance of an employee or who has the authority to take corrective action regarding the violation of a law, rule, or regulation to which an employee submits written notice.
 - g) "Workplace" means any location away from an employee's domicile, permanent or temporary, where an employee performs any work-related duty in the course of their employment by the District.

What is Workplace Violence

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Workplace violence may be committed by:

- a) Other employees;
- b) Former employees;
- c) Students;
- d) Parents;
- e) Visitors;
- f) Individuals who have no connection to the workplace, but enter to commit a robbery or other crime; or

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6190

Personnel 3 of 7

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

- g) An individual who has a personal relationship with an employee.

Prohibited Conduct

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

Workplace Violence Prevention Advisory Committee

The District will establish a Workplace Violence Prevention Advisory Committee that will meet periodically throughout the year. The purpose of the Workplace Violence Prevention Advisory Committee is to assist the District in coordinating its efforts to comply with its responsibilities related to workplace violence prevention, including overseeing the development and maintenance of the District's Workplace Violence Prevention Program (WVPP).

The Workplace Violence Prevention Advisory Committee will include:

- a) The Workplace Violence Prevention Coordinator;
- b) All authorized employee representatives;
- c) The Chief Emergency Officer.

It may also include one or more representatives from the following groups:

- a) District-wide school safety team;
- b) The building level emergency response team(s);
- c) District/building administrators;
- d) Teachers, including at least one special education teacher; and
- e) Other District staff.

Workplace Violence Prevention Coordinator

The District has designated the following District employee to serve as its Workplace Violence Prevention Coordinator:

Jodee Riordan
Personnel Specialist
Human Resources
716-286-7242, jriordan@lew-port.com

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6190

Personnel 4 of 7

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

The Workplace Violence Prevention Coordinator convenes and coordinates the activities and plans of the Workplace Violence Prevention Advisory Committee. The Workplace Violence Prevention Coordinator is also responsible for answering employee questions about this policy and related materials, as well as receiving workplace violence incident reports.

Authorized Employee Representatives

Authorized employee representatives will participate on the Workplace Violence Prevention Advisory Committee. Other responsibilities of the authorized employee representatives include, but are not limited to:

- a) Participating in the development and implementation of this policy.
- b) Evaluating the physical environment.
- c) Developing the WVPP.
- d) Reviewing workplace violence incident reports at least annually to identify trends in the types of incidents reported, if any.
- e) Reviewing the effectiveness of the mitigating actions taken.
- f) Reporting violations of the District's WVPP.

Reporting Workplace Violence

The District has established and implemented a reporting system for incidents of workplace violence. If there is a developing pattern of workplace violence incidents which may involve criminal conduct or a serious injury, the District will notify law enforcement immediately to ensure that violent crimes committed against employees in the workplace are promptly investigated and appropriately prosecuted. The District will provide information on these protocols and contact information to employees who wish to file a criminal complaint after a workplace violence incident.

All employees and authorized employee representatives are responsible for providing written notice to a supervisor or Workplace Violence Prevention Coordinator of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received. Reports of workplace violence must be made in writing. All reports must be immediately forwarded to the Workplace Violence Prevention Coordinator.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6190

Personnel

5 of 7

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

Written notice is not required where imminent danger exists to the safety of a specific employee and the employee reasonably believes in good faith that reporting to a supervisor or the Workplace Violence Prevention Coordinator would not result in corrective action.

After the District receives notice, the District will be afforded a reasonable opportunity to correct the activity, policy, or practice. The District will immediately respond to all reported incidents of violence or threatening behavior upon notification.

In addition to complying with the reporting requirements in this policy, District employees must comply with all other applicable reporting requirements contained in any District policy, regulation, procedure, collective bargaining agreement, or other document such as the District's *Code of Conduct*.

Inspections by the Commissioner of Labor

At the Request of an Employee or Authorized Employee Representative

If the District has been given notice and opportunity to resolve the activity, policy, or practice and the employee or authorized employee representative still believes that a serious violation of the WVPP remains, or that an imminent danger exists, the employee or authorized employee representative may request an inspection by notifying the Commissioner of Labor of the alleged violation or danger. The notice and request will be in writing, describing with reasonable particularity the grounds for the notice, and be signed by the employee or authorized employee representative. A copy of the written notice will be provided by the Commissioner of Labor to the District or the person in charge no later than the time of inspection, except that on the request of the person giving the notice, the person's name and the names of individual employees or authorized employee representative will be withheld.

A District representative and an authorized employee representative will be given the opportunity to accompany the Commissioner of Labor during an inspection for the purpose of aiding the inspection. Where there is no authorized employee representative, the Commissioner of Labor will consult with a reasonable number of employees concerning matters of safety in the workplace.

The authority of the Commissioner of Labor to inspect a premises pursuant to an employee complaint will not be limited to the alleged violation contained in the complaint. The Commissioner of Labor may inspect any other area of the premises in which they have reason to believe that a serious violation of the workplace violence prevention law exists.

Initiated by the Commissioner of Labor

The Commissioner of Labor may inspect any premises occupied by the District if they have reason to believe that a violation of the workplace violence prevention law has occurred. The current Public Employee Safety and Health (PESH) administrative plan will be used for the enforcement of the workplace violence prevention law, including a general schedule of inspection, which provides a rational administrative basis for the inspection.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6190

Personnel

6 of 7

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

Workplace Risk Evaluation and Developing a Workplace Violence Prevention Program (WVPP)

The District will engage in a process of workplace evaluation designed to identify the risks of workplace violence to which employees could be exposed.

The District will then develop and implement a written WVPP to prevent, minimize, and respond to any workplace violence. The Workplace Violence Advisory Committee, which includes all authorized employee representatives, will oversee and participate in the development of the WVPP. During the development process, the authorized employee representative(s) will provide input on those situations in the workplace that pose a threat of workplace violence.

The WVPP will include the following:

- a) A list of the risk factors identified in the workplace evaluation.
- b) The methods the District will use to prevent incidents of workplace violence. Examples include, but are not limited to:
 - 1. Making high-risk areas more visible to more people;
 - 2. Installing good external lighting;
 - 3. Using drop safes or other methods to minimize cash on hand;
 - 4. Posting signs stating that limited cash is on hand;
 - 5. Providing training in conflict resolution and nonviolent self-defense responses; and
 - 6. Establishing and implementing reporting systems for incidents of aggressive behavior.
- c) A hierarchy of controls to which the program will adhere as follows: engineering controls, work practice controls, and personal protective equipment (PPE).
- d) The methods and means by which the District will address each specific hazard identified in the workplace evaluation.
- e) A system designed and implemented by the District to report any workplace violence incidents that occur in the workplace. The reports must be in writing and maintained for the annual program review.
- f) A written outline or lesson plan for employee program training.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6190

Personnel

7 of 7

SUBJECT: WORKPLACE VIOLENCE PREVENTION POLICY STATEMENT

- g) A plan for program review and update on at least an annual basis. This review and update will detail any mitigating steps taken in response to any incident of workplace violence.

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

The District will not take retaliatory action against any employee because the employee exercises any right accorded to them under this policy.

Training

At the time of hire and annually thereafter, all employees will participate in the District's workplace violence prevention training program.

Notification

This policy will be posted where notices to employees are typically posted. The District will make its WVPP available to employees, authorizes employee representatives, and the Commissioner of Labor upon request and in the work area.

Whenever significant changes are made to the WVPP, the District will provide relevant information to affected employees.

Labor Law Section 27-b
12 NYCRR Section 800.6

NOTE: Refer also to Policies Code of Conduct

- #3411 - Prohibition of Weapons on School Grounds
- #3412 - Threats of Violence in School
- #3420 - Non-Discrimination and Anti-Harassment in the District
- #3421 - Title IX Policy Against Sexual Harassment and Sex Discrimination
- #5681 - School Safety Plans
- #5684 - Use of Surveillance Cameras in the District
- #5690 - Exposure Control Program
- #6121 - Policy Against Discrimination and Harassment
- #7350 - Timeout and Physical Restraint
- #7360 - Weapons in School and the Gun-Free Schools Act

Adoption Date: 03/18/2024

**LEWISTON-PORTER CENTAL SCHOOL DISTRICT
WORKPLACE VIOLENCE INCIDENT REPORT FORM**

The District prohibits workplace violence and will not tolerate violence, threats of violence, or intimidating conduct in the workplace.

Workplace violence is any physical assault or acts of aggressive behavior occurring where an employee performs any work-related duty in the course of their employment including, but not limited to:

- a) An attempt or threat, whether verbal or physical, to inflict physical injury upon an employee;
- b) Any intentional display of force which would give an employee reason to fear or expect bodily harm;
- c) Intentional and wrongful physical contact with an employee without their consent that entails some injury;
- d) Stalking an employee with the intent of causing fear of material harm to the physical safety and health of the employee when the stalking has arisen through and in the course of employment.

Instructions

This report will be completed by the Workplace Violence Prevention Coordinator following a report of workplace violence. It will be maintained for use in the annual Workplace Violence Prevention Program review and update.

Information about the Alleged Victim

(The person alleged to have been injured by the workplace violence.)

Name: _____

If this is a privacy concern case, "Privacy Concern Case" should be entered above in the Name section. The District treats incidents involving the following injuries or illnesses as privacy concern cases: (1) an injury or illness to an intimate body part or the reproductive system; (2) an injury or illness resulting from a sexual assault; (3) mental illness; (4) HIV infection; (5) needle stick injuries and cuts from sharp objects that are or may be contaminated with another person's blood or other potentially infectious material; and (6) other injuries or illnesses, if the employee independently and voluntarily requests that their name not be entered on the Report.

Job title: _____

Work address: _____

Home phone: _____ Cell phone: _____ Work phone: _____

Email: _____

Continued

**LEWISTON-PORTER CENTAL SCHOOL DISTRICT
WORKPLACE VIOLENCE INCIDENT REPORT FORM****Information about the Alleged Perpetrator***(The person alleged to have committed the workplace violence.)*

Name: _____

Alleged perpetrator's relationship to the District:

<input type="checkbox"/> Student	<input type="checkbox"/> Employee	<input type="checkbox"/> Job applicant
<input type="checkbox"/> Parent/legal guardian	<input type="checkbox"/> Volunteer	<input type="checkbox"/> Contractor/subcontractor/vendor/consultant
<input type="checkbox"/> Student teacher	<input type="checkbox"/> Intern	<input type="checkbox"/> Other _____

Primary building or location: _____

Further details including, if applicable, grade or title: _____

Alleged perpetrator's contact information:

Address: _____

Home phone: _____ Cell phone: _____ Work phone: _____

Email: _____

Information about the Alleged Incident

Was this incident was previously reported verbally? If so to whom?

Name: _____ Date: _____

Date of alleged incident: _____ Time of alleged incident: _____

Location of alleged incident: _____

Provide a detailed description of the alleged incident, including events leading up to the incident and how the incident ended:

Continued

**LEWISTON-PORTER CENTAL SCHOOL DISTRICT
WORKPLACE VIOLENCE INCIDENT REPORT FORM**

Describe the nature and extent of any injuries arising from the incident, including the name of the individual(s) injured:

Information about Witnesses

If possible, please list the names and known contact information for any witnesses, individuals who may have information related to this report, or individuals you have discussed the alleged incident(s) with:

District Response

Detail the actions that the District has taken in response to this incident of workplace violence:

Detail the actions that the District has taken or is considering as a result of the incident to prevent similar occurrences from happening in the future:

Completed by: _____
(name and title)

Completed on: _____
(Date)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6551

Personnel

1 of 6

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

The Board, in accordance with the Family and Medical Leave Act of 1993 (as amended) (FMLA), gives "eligible" employees of the District the right to take unpaid leave for a period of up to twelve (12) workweeks in a twelve-month period as determined by the District.

The District uses a "rolling" twelve month period measured backward from the date of any FMLA usage as its method for calculating the leave year period for the commencement of the FMLA leave period. In certain cases, FMLA leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

The entitlement to leave for the birth or placement of a child shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement.

Employees are "eligible" if they have been employed by the District for at least twelve (12) months and for at least 1,250 hours of service during the previous twelve-month period. Full-time teachers are generally deemed to meet the 1,250 hour test. However, a break in employment for military service (i.e., call to active duty) should not interrupt the twelve (12) month/1,250 hours of employment requirement and should be counted toward fulfilling this prerequisite. The law covers both full-time and part-time employees.

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

- a) The birth of a child and care for the child;
- b) Adoption of a child and care for the child;
- c) The placement of a child with the employee from foster care;
- d) To care for a spouse, minor child or parent who has a "serious health condition" as defined by the FMLA;
- e) To care for an adult child who is incapable of self-care due to a disability (regardless of date of the onset of disability) and has a "serious health condition" as defined by the FMLA; and/or
- f) A "serious health condition" of the employee, as defined by the FMLA, that prevents the employee from performing their job.

A "serious health condition" is defined as an illness, injury, impairment or physical or mental condition that involves inpatient care or continuing treatment by a health care provider that renders the person incapacitated for more than three (3) consecutive calendar days. Furthermore, the first visit to a health care provider for an employee claiming a "serious health condition" under FMLA must occur within seven (7) days of the aforementioned incapacity with the second required visit occurring within thirty (30) days of the incapacitating event. In order for an employee to claim the need for continuous treatment under FMLA for a chronic serious health condition, the condition must require a minimum of two (2) visits per year to a healthcare provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. A "serious health condition" is also defined as any period of incapacity related to pregnancy or for prenatal care.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6551

Personnel

2 of 6

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

Military Family Leave Entitlements

Military Caregiver Leave

An eligible employee who is the spouse, son, daughter, parent, or next of kin (defined as the nearest blood relative) is entitled to up to twenty-six (26) weeks of leave in a single twelve (12) month period to care for a "military member" who is:

- a) Recovering from a service-connected serious illness or injury sustained while on active duty; or
- b) Recovering from a serious illness or injury that existed prior to the service member's active duty and was aggravated while on active duty; or
- c) A veteran who has a qualifying injury or illness from service within the last five (5) years and aggravates that illness or injury.

This military caregiver leave is available during a single twelve (12) month period during which an eligible employee is entitled to a combined total of twenty-six (26) weeks of all types of FMLA leave. Military Caregiver Leave may be combined with other forms of FMLA-related leave providing a combined total of twenty-six (26) weeks of possible leave for any single twelve (12) month period; however, the other form of FMLA leave when combined cannot exceed twelve (12) of the twenty-six (26) weeks of combined leave. Military Caregiver Leave has a set "clock" for calculating the twelve (12) month period for when FMLA leave begins and tolling starts at the first day of leave taken.

The term "military member" means:

- a) A member of the Regular Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b) A veteran (discharged or released under condition other than dishonorable) who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation or therapy.

"Qualifying Exigency" Leave/Call to Active Duty

An "eligible" employee is entitled to FMLA leave because of "a qualifying exigency" arising out of circumstances where the spouse, son, daughter, or parent of the employee is serving in the Regular Armed Forces or either the National Guard or the Reserves and is on active duty during a war or national emergency called for by the President of the United States or Congress, or has been notified of an impending call to active duty status, in support of a contingency operation. There is no "qualifying exigency" unless the military member is or is about to be deployed to a foreign country.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6551

Personnel

3 of

6

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

A "qualifying exigency" related to families of the Army National Guard of the United States, Army Reserve, Navy Reserve, Marine Corps Reserve, Air National Guard of the United States, Air Force Reserve and Coast Guard Reserve personnel on (or called to) active duty to take FMLA protected leave to manage their affairs is defined as any one of the following reasons:

- a) Short-notice deployment;
- b) Military events and related activities;
- c) Childcare and school activities;
- d) Parental care leave;
- e) Financial and legal arrangements;
- f) Counseling;
- g) Rest and recuperation (for up to fifteen [15] calendar days);
- h) Post-deployment activities; and
- i) Any additional activities where the employer and employee agree to the leave.

In any case in which the necessity for leave due to a qualifying exigency is foreseeable, the employee shall provide such notice to the employer as is reasonable and practicable. This military-related leave is for up to twelve (12) weeks during a single twelve (12) month period. Leave may be taken intermittently or on a reduced leave schedule.

Upon an employer's request, an employee must provide a copy of the military member's active duty order to support the employee's request for qualifying exigency leave. In addition, the employer may request the following information:

- 1) A statement or description of appropriate facts regarding the exigency that is needed;
- 2) The approximate date on which the exigency commenced or will commence;
- 3) An estimate of the frequency and duration of the exigency if leave is needed on a reduced scheduled basis or intermittently;
- 4) If the exigency requires meeting with a third party, the contact information for the third party and description of the purpose of the meeting;
- 5) Additionally, the certification for qualifying exigency leave for Rest and Recuperation Leave must include a copy of the military member's Rest and Recuperation Leave Orders, or other documentation by the military setting forth the dates of the military member's leave.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6551

Personnel

4 of

6

SUBJECT: FAMILY AND MEDICAL LEAVE

ACT Substitution of Paid Leave

At the employee's or District's option, certain kinds of paid leave may be substituted for unpaid leave. The District may require the employee to substitute any accrued paid vacation, personal or family leave if the employee is taking leave to care for another due to birth or serious health condition. The District may also require the employee to substitute any of their accrued paid vacation, personal, or medical/sick leave if they seek leave for their own serious health condition. The District may substitute paid vacation, personal, family and the employee's own medical/sick leave if they seek leave under the Military Caregiver Leave.

Implementation/Benefits/Medical Certification

An employee on FMLA leave is entitled to have health benefits maintained while on leave. If an employee was paying all or part of the premium payments prior to leave, the employee will continue to pay their share during the leave period. In some cases, the District may recover premiums paid for maintaining an employee's health coverage if the employee fails to return to work from FMLA leave.

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

The Board has a right to thirty (30) days advance notice from the employee where practicable. In addition, the Board may require an employee to submit certification from a health care provider to substantiate that the leave is due to the "serious health condition" of the employee or the employee's immediate family member. Under no circumstance should the employee's direct supervisor contact any health care provider regarding the employee's condition; all contact in this manner must be made by a health care provider (employed by the employer), a human resource professional, a leave administrator or a management official. If the medical certification requested by the employer is found to be deficient, the employer must indicate where the errors are, in writing, and give the employee seven (7) days to provide corrected materials to cure any deficiency prior to any action being taken. The Board reserves the right to require additional medical certifications and/or recertification as permitted under the FMLA and its attendant regulations.

Special Provisions for School District Employees

An instructional employee is an employee whose principal function is to teach and instruct students in a class, a small group, or an individual setting (e.g., teachers, coaches, driving instructors, special education assistants, etc.). Teaching assistants and aides who do not have instruction as the principal function of their job are not considered an "instructional employee."

Intermittent Leave Taken by Instructional Employees

FMLA leave that is taken at the end of the school year and resumes at the beginning of the next school year is not regarded as intermittent leave but rather continuous leave. The period in the interim (i.e., summer vacation) is not counted against an employee and the employee must continue to receive any benefits that are customarily given over the summer break.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6551

Personnel

5 of 6

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

Intermittent leave may be taken but must meet certain criteria. If the instructional employee requesting intermittent leave will be on that leave for more than twenty percent (20%) of the number of working days during the period for which the leave would extend, the following criteria may be required by the employer:

- a) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or
- b) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

Appropriate notice for foreseeable FMLA leave still applies and all employees must be returned to an equivalent position within the School District. Additional work-related certifications, requirements and/or training may not be required of the employee as a contingent of their return to work.

Leave Taken by Instructional Employees Near the End of the Instructional Year

There are also special requirements for instructional employees taking leave and the leave's relation to the end of the term. If the instructional employee begins leave more than five (5) weeks prior to the end of the term, the District may require that the employee take the leave until the end of the term if the leave lasts at least three (3) weeks and the employee would return to work during the three-week period before the end of the term.

If the instructional employee begins leave during the five (5) week period prior to the end of the term because of the birth of a son or daughter; the placement of a son or daughter for adoption or foster care; to care for a spouse, son, daughter, or parent with a serious health condition; or to care for a covered service member, the District may require that the employee remain out for the rest of the term if the leave will last more than two (2) weeks and the employee would return to work during the two(2)-week period before the end of the instructional term.

If the instructional employee begins taking leave during the three (3) weeks prior to the end of the term for any reason identified in the preceding paragraph, the District may require that the employee continue leave until the end of the term if the leave is scheduled to last more than five (5) working days.

Any additional time that is required by the employer due to the timing of the end of the school year, will not be charged against the employee as FMLA leave because it was the employer who requested that the leave extend until the end of the term.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6551
Personnel 6 of 6

SUBJECT: FAMILY AND MEDICAL LEAVE ACT

FMLA Notice

A notice which explains the FMLA's provisions and provides information concerning the procedures for filing complaints of violations of the FMLA shall be posted in each school building and a notice of an employee's FMLA rights and responsibilities shall be either placed in the employee handbook of the employer or furnished to each new employee upon hire. The employer has five (5) days to supply such notice from the date of hire.

Family and Medical Leave Act of 1993 (as amended), Public Law 103-3
National Defense Authorization Act of 2008, Public Law
110-181 10 USC 101(a) (13) 29 USC 1630.1 and 2611-2654 29
CFR Part 825 and Part 1630 42 USC 12102
Health Insurance Portability and Accountability Act of 1996
(HIPAA), Public Law 104-191 45 CFR Parts 160 and 164

NOTE: Refer also to Policy #6552 - Uniformed Services Employment and Reemployment Rights
Act (USERRA)/Military Leaves of Absence

Adoption Date: 09/23/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6530

Personnel

SUBJECT: EMPLOYEE ASSISTANCE PROGRAM (EAP)

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

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

NOTE: Refer also to Policy #6150 - Alcohol, Drugs and Other Substances (School Personnel)
#6151 - Drug-Free Workplace

Adoption Date: 09/23/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 7530

Students 1 of 5

SUBJECT: CHILD ABUSE AND MALTREATMENT

The District takes seriously the obligations of its officers and employees to report cases of child abuse or maltreatment. To this end, regulations will be developed, maintained, and disseminated by administration regarding the:

- a) Mandatory reporting of suspected child abuse or maltreatment;
- b) Reporting procedures and obligations of persons required to report;
- c) Provisions for taking a child into protective custody;
- d) Mandatory reporting of deaths;
- e) Immunity from liability and penalties for failure to report;
- f) Obligations for provision of services and procedures necessary to safeguard the life or health 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 will be established and implemented to enable the staff to carry out their reporting responsibilities.

Reporting Information

The District will post the child abuse hotline telephone number and directions for accessing the Office of Children and Family Services (OCFS) website in English and Spanish on its website and in clearly and highly visible areas of school buildings. The District will also make this information available from its administrative offices; provide it to parents and persons in parental relation at least once per school year by electronic communication, sending the information home with students, or otherwise; and provide it to each teacher and administrator. The District may post and provide this information in other, common languages used by the school community.

Persons Required to Report

Persons required to report cases of child abuse or maltreatment to the State Central Register (SCR) in accordance with Social Services Law Section 413(1) include, but are 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, and full- or part-time compensated school employees required to hold a temporary coaching license or professional coaching certificate.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

7530

Students

2 of 5

SUBJECT: CHILD ABUSE AND MALTREATMENT

All mandated reporters must make the report themselves and then immediately notify the building principal or designee. The building principal or designee will be responsible for all subsequent administration necessitated by the report. Any report must 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

The District will not take any retaliatory personnel action against an employee because the employee believes that he or she has reasonable cause to suspect that a child is an abused or maltreated child and that employee makes a report to SCR. Further, no school official will impose any conditions, including prior approval or prior notification, upon any staff member specifically designated a mandated reporter.

"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.

Report Form

The "Report of Suspected Child Abuse or Maltreatment" Form LDSS-2221A may be accessed at the OCFS website.

Child Abuse in an Educational Setting

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

Child abuse means any of the following acts committed in an educational setting by an employee or volunteer against a child (defined as a person under the age of 21 years enrolled in a school):

- 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 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 in accordance with Penal Law Article 235.

Administrator or school administrator means a principal, or the equivalent title, in a school, or other chief school officer.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 7530
Students 3 of 5

SUBJECT: CHILD ABUSE AND MALTREATMENT

Educational setting means the building(s) and grounds of the District; the vehicles provided directly or by contract by the District for the transportation of students to and from school buildings, field trips, co-curricular and extracurricular activities both on and off 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.

In any case where an oral or written allegation is made to a teacher, school nurse, school counselor, school psychologist, school social worker, school administrator, Board member, or other school personnel required to hold a teaching or administrative license or certificate, as well as a licensed and registered physical therapist, licensed and registered occupational therapist, licensed and registered speech-language pathologist, teacher aide or school resource officer that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that person will upon receipt of the allegation:

- a) Promptly complete a written report of the 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. This written report will be completed on a form prescribed by the Commissioner of Education.
- b) Except where the school administrator is the person receiving the 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.

In any case where an oral or written allegation is made to a school bus driver employed by a person or entity that contracts with the District to provide transportation services to children that a child has been subjected to child abuse by an employee or volunteer in an educational setting, that school bus driver will upon receipt of the allegation, promptly report or cause a report to be made to his or her supervisor employed by the contracting person or entity.

In any case where an oral or written report or allegation is made to a supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children from a person employed by the contracted person or entity that a child has been subjected to child abuse by an employee or volunteer in an educational setting, the supervisor must, upon receipt of an allegation:

- a) Promptly complete a written report of the allegation including the full name of the child alleged to be abused; the name of the child's parent or guardian; 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

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019 7530

Students 4 of 5

SUBJECT: CHILD ABUSE AND MALTREATMENT

allegations of child abuse in an educational setting. This report must be completed on a form prescribed by the Commissioner.

- b) Ensure that the written report is personally delivered to the Superintendent employed by the school district where the child abuse occurred or, for a school other than a school district or public school, the school administrator employed by the school where the child abuse occurred.

In any case where it is alleged a child was abused by an employee or volunteer of a school other than a school within the District, the report of these allegations will be promptly forwarded to the Superintendent of the District and the Superintendent of the school district where the abuse of the child allegedly occurred. If a case involves a school that is not a school district or public school, the appropriate school administrator or administrators, in addition to any appropriate Superintendent, must be notified of the allegations of abuse.

If it is alleged the child was abused by the Superintendent or administrator, the report of the allegations will be made to another designated administrator.

Any employee, volunteer, or supervisor who is employed by a person or entity that contracts with the District to provide transportation services to children 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 will have immunity from civil liability which might otherwise result by reason of those actions.

Upon receipt of a written report alleging child abuse in an educational setting, a school administrator or the Superintendent must then determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. Where there has been a determination as to the existence of reasonable suspicion, the school administrator or Superintendent must follow the procedures mandated in law and further described in administrative regulations including parental notification. When the school administrator receives a written report, he or she must promptly provide a copy of the report to the Superintendent and promptly forward the report to appropriate law enforcement. In no event will reporting to law enforcement be delayed by an inability to contact the Superintendent.

Where the Superintendent or, in a school other than a school district or public school, the school administrator has forwarded a written report of child abuse in an educational setting to law enforcement authorities, the Superintendent will also refer the report to the Commissioner if the employee or volunteer alleged to have committed 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 a report to

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

7530

Students

5 of 5

SUBJECT: CHILD ABUSE AND MALTREATMENT

a person or agency as required by law, will have immunity from civil liability which might otherwise result by reason of those actions.

Reports and other written material submitted in accordance with law with regard to allegations of child abuse in an educational setting, and photographs taken concerning those reports that are in the possession of any person legally authorized to receive that information, will be confidential and will 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 in accordance with a court-ordered subpoena. School administrators and the Superintendent will exercise reasonable care in preventing unauthorized disclosure.

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

All persons employed by the District, in titles equivalent to teacher or administrator, and any school bus drivers employed by a person or entity that contracts with the District to provide transportation services to children, are required to complete coursework or training regarding the identification and reporting of child abuse and maltreatment in accordance with law and Commissioner's regulations.

Prohibition of "Silent" (Unreported) Resignations

The Superintendent and other school administrators are prohibited from withholding from law enforcement authorities, the Superintendent, or the Commissioner, as 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 or her position.

The Superintendent/designee reasonably and in good faith reports to law enforcement officials information regarding allegations of child abuse or a resignation as required by law will have immunity from any liability, civil or criminal, which might otherwise result by reason of those actions.

Prohibition on Aiding and Abetting Sexual Abuse

Unless exempted by law, no District employee, contractor, or agent of the District will assist another District employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the individual or agency knows or has probable cause to believe, that the individual engaged in sexual misconduct regarding a minor or student in violation of the law.

Education Law Article 23-B and §§ 409-1, 902(b), 3028-b and 3209-a

Family Court Act § 1012

Labor Law § 740(1)(e)

Penal Law Articles 130, 235 and 263

Social Services Law §§ 411-428

8 NYCRR Part 83, § 100.2(nn)

20 USC § 7926

Adoption Date: 05/28/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7551

Students

1 of 3

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

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

Sexual Harassment

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

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

Prohibited Conduct

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

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

(Continued)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7551

Students

2 of 3

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

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

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. The District recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer. Where appropriate, the Civil Rights Compliance Officer may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated an additional individual to serve in such capacity, or to the Superintendent.

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All such complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy #3420, "Non-Discrimination and Anti-Harassment in the School District." Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer(s), can be found in Policy #3420.

(Continued)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7551

Students

3 of 3

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

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

Civil Rights Act of 1991, 42 USC Section 1981(a)
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.
34 CFR Section 100 et seq.
Education Law Section 2801(1)
OCR Dear Colleague Letter, April 4, 2011

Adoption Date: 08/01/2017
01/27/2015
08/16/2011
07/18/2006

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7550

Students

1 of 4

SUBJECT: DIGNITY FOR ALL STUDENTS

The District seeks to create an environment free of harassment, bullying, and discrimination; to foster civility in its schools; and to prevent conduct that is inconsistent with its educational mission. The District, therefore, prohibits all forms of harassment and bullying of students by employees or other students on school property and at school functions. The District further prohibits discrimination against students, including, but not limited to, discriminatory acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, or sex by school employees or other students on school property and at school functions that take place at locations off school property. In addition, other acts of harassment, bullying, or discrimination that can reasonably be expected to materially and substantially disrupt the education process may be subject to discipline or other corrective action.

Dignity Act Coordinator

In each of its schools, the District will designate at least one employee holding licenses or certifications as required by the Commissioner to serve as the Dignity Act Coordinator (DAC). Each DAC 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 (including gender identity or expression), and sex. Training will also be provided for DACs that addresses: the social patterns of harassment, bullying, and discrimination, including, but not limited to, those acts based on a person's actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender, and sex; the identification and mitigation of harassment, bullying, and discrimination; and strategies for effectively addressing problems of exclusion, bias, and aggression in educational settings. All DAC appointments will be approved by the Board.

The District will widely disseminate the name, designated school, and contact information of each DAC to all school personnel, students, and parents or persons in parental relation by:

- a) Listing it in the *Code of Conduct*, with updates posted on the District's website; and
- b) Including it in the *Code of Conduct's* plain-language summary provided to all parents or persons in parental relation to students before the beginning of each school year; and
- c) Providing it to parents or persons in parental relation in at least one District or school mailing or other method of distribution, including, but not limited to, electronic communication or sending information home with each student. If the information changes, parents and persons in parental relation will be notified in at least one subsequent District or school mailing, or other method of distribution, as soon as practicable thereafter; and

(Continued)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7550

Students

2 of 4

SUBJECT: DIGNITY FOR ALL STUDENTS

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

If a DAC vacates his or her position, the District will immediately designate an interim DAC, pending approval from the Board within 30 days. In the event a DAC is unable to perform his or her duties for an extended period of time, the District will immediately designate an interim DAC, pending the return of the previous individual to the position.

Training and Awareness

Each year, all employees will be provided with training to promote a supportive school environment that is free from harassment, bullying, and discrimination, and to discourage and respond to incidents of harassment, bullying, and discrimination. This training may be provided in conjunction with existing professional development, will be conducted consistent with guidelines approved by the Board, and will:

- a) Raise awareness and sensitivity to potential acts of harassment, bullying, and discrimination;
- b) Address social patterns of harassment, bullying, and discrimination and the effects on students;
- c) Inform employees on the identification and mitigation of harassment, bullying, and discrimination;
- d) Enable employees to prevent and respond to incidents of harassment, bullying, and discrimination;
- e) Make school employees aware of the effects of harassment, bullying, cyberbullying, and discrimination on students;
- f) Provide strategies for effectively addressing problems of exclusion, bias, and aggression;
- g) Include safe and supportive school climate concepts in curriculum and classroom management; and
- h) Ensure the effective implementation of school policy on conduct and discipline.

(Continued)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7550

Students

3 of 4

SUBJECT: DIGNITY FOR ALL STUDENTS

Rules against harassment, bullying, and discrimination will be included in the *Code of Conduct*, publicized District-wide, and disseminated to all staff and parents or persons in parental relation. Any amendments to the *Code of Conduct* will be disseminated as soon as practicable following their adoption. The District will provide new employees with a complete copy of the current *Code of Conduct* upon beginning their employment, and distribute an age-appropriate summary to all students at a school assembly at the beginning of each school year.

Reports and Investigations of Harassment, Bullying, or Discrimination

The District encourages and expects students who have been subjected to harassment, bullying, or discrimination; parents or persons in parental relation whose children have been subjected to this behavior; other students who observe or are told of this behavior; and all District staff who become aware of this behavior to timely report it to the Principal, Superintendent, DAC, or designee.

The Principal, Superintendent, DAC, or designee will lead or supervise a timely and thorough investigation of all reports of harassment, bullying, and discrimination. The DAC or other individual conducting the investigation may seek the assistance of the District's Civil Rights Compliance Officer in investigating, responding to, and remedying complaints.

In the event an investigation verifies that harassment, bullying, or discrimination occurred, the District will take prompt action reasonably calculated to end it, to eliminate any hostile environment, to create a more positive school culture and climate, to prevent recurrence of the behavior, and to ensure the safety of the student or students against whom the harassment, bullying, or discrimination was directed.

The Superintendent, Principal, DAC, or designee will notify the appropriate local law enforcement agency when there is a reasonable belief that an incident of harassment, bullying, or discrimination constitutes criminal conduct.

(Continued)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

7550

Students

4 of 4

SUBJECT: DIGNITY FOR ALL STUDENTS

The District will timely collect information related to incidents involving harassment, bullying, and discrimination; provide required internal reports; and complete and submit any required report to the State Education Department in the manner and within the timeframe specified by the Commissioner.

Prohibition of Retaliatory Behavior (Whistle-Blower Protection)

Any person who has reasonable cause to suspect that a student has been subjected to harassment, bullying, or discrimination by an employee or student on school grounds or at a school function, and who acts reasonably and in good faith in reporting it to school officials, the Commissioner of Education, or law enforcement authorities, or who otherwise initiates, testifies, participates, or assists in any formal or informal proceedings, will have immunity from any civil liability that may arise from making that report, or from initiating, testifying, participating, or assisting in those proceedings. The District also prohibits any retaliatory behavior directed against any complainant, victim, witness, or any other individual who participated in the reporting or investigation of an incident of alleged harassment, bullying, or discrimination.

Publication of District Policy

At least once during each school year, all school employees, students, and parents or persons in parental relation will be provided with a written or electronic copy of this policy, or a plain-language summary of it. The policy or summary will include information relating to how students, parents or persons in parental relation, and school employees may report harassment, bullying, or discrimination. Additionally, the District will strive to maintain a current version of this policy on its website at all times.

Application

Nothing in this policy or its implementing regulations should be interpreted to preclude or limit any right or cause of action provided under any local, state, or federal ordinance, law, or regulation, including, but not limited to, any remedies or rights available under the Individuals with Disabilities Education Act, Title VII of the Civil Rights Law of 1964, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act of 1990.

Education Law §§ 10-18, 801-a, 2801, and 3214; 8 NYCRR § 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
- #5670 - Records Management
- #6411 - Use of Email in the School District
- #7551 - Sexual Harassment of Students
- #7552 - Student Gender Identity
- #8242 - Civility, Citizenship and Character Education/Interpersonal Violence Prevention Education

Adoption Date:

- 01/16/2018
- 05/26/2015
- 07/23/2013
- 06/19/2013
- 08/21/2012

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION**I. TITLE IX NOTICE OF NON-DISCRIMINATION**

In compliance with Title IX of the Education Amendments of 1972, the Lewiston-Porter Central School District ("the District") does not discriminate on the basis of sex in the educational programs or activities it operates, including employment and admissions, and it is required by Title IX and its attendant regulations not to discriminate in such a manner. All forms of sex-based discrimination, including sexual harassment, are strictly prohibited by the District. Inquiries regarding Title IX may be referred to the Title IX Coordinator(s) or to the Assistant Secretary for Civil Rights of the U.S. Department of Education, or both.

II. TITLE IX SEXUAL HARASSMENT POLICY

While all forms of sex-based discrimination are prohibited in the District, the primary purpose of this policy is to address *sexual harassment as defined in Title IX and its attendant regulations* that occurs within an education program or activity of the District, and to provide a grievance process for investigating and reaching a final determination regarding responsibility for a formal complaint of sexual harassment. The Title IX Grievance Process ("Grievance Process") is set forth below in Section IV Grievance Process, on page 11. While the District must and will respond to all reports it receives of sex discrimination or sexual harassment, the Grievance Process herein is initiated only with the filing of a formal complaint which alleges sexual harassment in violation of Title IX. Please refer to the definitions below in Section II.A for an explanation of what constitutes a formal complaint of sexual harassment.

The Superintendent shall have overall responsibility for implementing this Policy, and shall annually appoint at least one Title IX Coordinator as that position is described in Section II.B below. Below please find contact information for the District's Title IX Coordinator(s):

Title IX Coordinator(s)

1. Donna L. Hill, Assistant Superintendent for Administrative Services,
dhill@lew-port.com, 716-286-7240
2. Andrea Tamarazio, Director of Curriculum, Instruction, Technology and Data
atamarazio@lew-port.com, 716-286-7295

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

A. Definitions

“Actual knowledge” – notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or to any District official with authority to institute corrective measures on behalf of the District, or to any District employee (other than a “Respondent” or alleged harasser).

“Complainant” – an individual who is alleged to be the victim of conduct that could constitute sexual harassment, whether or not that person files a report or formal complaint.

“Days” – all references to “days” shall mean calendar days unless otherwise specified. If a deadline falls on a weekend or holiday, the deadline shall be extended to the next regular business day.

“Decision-Maker” – the person tasked with the responsibility of making determinations regarding responsibility. The Superintendent of Schools shall be responsible for designating the Decision-Maker on a case-by-case basis, in consultation with the Title IX Coordinator. Neither the investigator nor the Title IX Coordinator may serve as the Decision-Maker.

“Determination regarding responsibility” – the formal finding by the Decision-Maker on each allegation of sexual harassment contained in a formal Complaint that the Respondent did or did not engage in conduct constituting sexual harassment under Title IX.

“Education program(s) or activity(ies)” – refers to locations, events or circumstances over which the District exercises substantial control over both the Respondent and the context in which the sexual harassment occurs.

“Formal Complaint” – a document filed by a Complainant, the Complainant’s parent/guardian, or the Title IX Coordinator, alleging sexual harassment against a Respondent, and requesting that the District investigate the allegation of sexual harassment. The phrase “document filed by a Complainant” includes the complaint form on the website, or a document or electronic submission that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal complaint.

“Respondent” – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

“Sexual Harassment” – conduct on the basis of sex (including, without limitation, gender, sexual orientation and/or gender identity) that occurs in the District’s education programs or activities that satisfies one or more of the following:

- (1) An employee of the District conditioning the provision of an aid, benefit, or service of an education program or activity on an individual’s participation or refusal to participate in sexual conduct irrespective of whether the conduct is welcomed by the student or other employee (i.e. *quid pro quo* sexual harassment);
- (2) Unwelcome sex-based/related conduct determined by a reasonable person to be so severe, pervasive **and** objectively offensive that it effectively denies a person equal access to the District’s education program or activity; or
- (3) Sexual assault, dating violence, domestic violence, or stalking as defined in state or federal law (*see e.g.* 20 U.S.C. § 1092(f)(6)(A)(v); 34 U.S.C. § 12291(a)(10); 34 U.S.C. § 12291(a)(8); 34 U.S.C. § 12291(a)(30)).

Sexual harassment may be directed against a particular person or persons, or a group, whether of the opposite sex or the same sex. The context of behavior can make a difference between conduct falling within the technical definition of sexual harassment under Title IX, and conduct of a sexual nature that is offensive or hostile in itself but which does not rise to the level defined above. District policies prohibit both, but for purposes of its Title IX obligations, the District must address reports or complaints of conduct which may constitute sexual harassment as defined above in accordance with this Policy and the grievance procedures set forth herein. Unless otherwise specified, all references to “sexual harassment” in this Policy refer to sexual harassment as defined above. Please note, however, that conduct that otherwise satisfies that definition does not fall within the scope of this particular Policy if the conduct occurred (1) outside the United States or (2) under circumstances in which the District did not have substantial control over both the harasser/Respondent and the context in which the harassment occurred.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

“Supportive Measures” – non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Supportive measures are designed to restore or preserve equal access to the District’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District’s educational environment, or deter sexual harassment. Examples may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, leaves of absence, mutual restrictions on contact between the parties, and other similar measures.

"Title IX" of the Educational Amendments of 1972 - No person in the United States shall on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. Sex discrimination under Title IX includes sexual harassment and sexual violence.

B. Title IX Coordinator(s)

The Title IX Coordinators shall be responsible for coordinating the District’s efforts to comply with its responsibilities under Title IX. In this regard, the Title IX Coordinator shall receive general reports and formal complaints reports of sexual harassment (as well as other forms of sex discrimination), and shall coordinate the District’s responses to such reports or complaints so that the same are prompt and equitable. In addition to any other specific responsibilities assigned under this Policy, or as assigned by the Superintendent, the Title IX Coordinator (s) will be responsible for:

1. Identification and implementation of supportive measures;
2. Signing or receiving formal complaints of sexual harassment;
3. Coordinating with District and school-level personnel to facilitate and assure implementation of investigations, and remedies, and helping to assure that the District otherwise meets its obligations associated with reports and formal complaints of sexual harassment;
4. Coordinating with the Superintendent with respect to assignment of persons to fulfill the District’s obligations, both general and case specific, relative to this Policy (e.g., investigator, Decision-Maker, etc., which may involve the retention of outside counsel or other third party personnel);
5. Coordinating with District and school-level personnel to assure appropriate training and professional development of employees and others in accordance with Section II.C of this Policy; and
6. Helping to ensure that appropriate records are kept and maintained in connection with this Policy.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

In cases where the Title IX Coordinators are unavailable, including unavailability due to a conflict of interest or other disqualifying reason, the Superintendent shall assure that another person with the appropriate training and qualifications is appointed as acting Title IX Coordinator for that case. In such instances, "Title IX Coordinator" shall include the acting Title IX Coordinator.

C. Training

All District employees shall receive training relative to mandatory reporting obligations, and any other responsibilities they may have relative to this Policy.

Title IX Coordinators, investigators, Decision-Makers, any individuals who decide appeals or who facilitate an informal resolution process, must receive training on:

- The definition of sexual harassment;
- The scope of the District's education program or activity;
- How to conduct an investigation and the Grievance Process, including appeals and the informal resolution process, as applicable; and
- How to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest and bias.

Decision-Makers, including individuals who decide appeals, must also receive training on issues of relevance of questions and evidence, including when questions about the Complainant's sexual predisposition or prior sexual behavior are not relevant.

Also, investigators must receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

Materials used to train Title IX Coordinators, investigators, Decision-Makers, individuals who decide appeals and individuals who facilitate an informal resolution process must not rely on sex stereotypes, must promote impartial investigations and adjudications of formal complaints of sexual harassment. The training materials for the individuals identified in this paragraph shall be made publicly available on the District's website.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION**D. Confidentiality**

The District will respect the confidentiality of a Complainant and Respondent as much as possible, however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures shall be consistent with the District's legal obligations and the necessity to investigate allegations of sexual harassment and take appropriate action in response thereto. Examples of required disclosures include:

1. Information to either party to the extent necessary to provide the parties due process during the Grievance Process;
2. Information to individuals who are responsible for handling the District's investigation and determination regarding responsibility to the extent necessary to complete the District's Grievance Process;
3. Mandatory reports of child abuse or neglect; and
4. Information to the Complainant's and the Respondent's parent/guardian as required by this Policy and/or the Family Educational Rights and Privacy Act ("FERPA").

Additionally, any supportive measures offered to the Complainant or the Respondent shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

Except as specified above, the District shall keep confidential to the extent permitted by law the identity of (1) any individual who has made a report or complaint of sex discrimination or sexual harassment; (2) any Complainant or Respondent; (3) any individual who has been reported to be the perpetrator of sex discrimination; and (4) any witness.

E. Retaliation Prohibited

Retaliation against any person who makes a report or complaint, or against any person who assists, participates, or refuses to participate in any investigation of an act alleged in this Policy is strictly prohibited. The District further prohibits any other intimidation, threats, coercion or discrimination against anyone for the purpose of interfering with any right or privilege secured by Title IX. Charging an individual with Code of Conduct violations that arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, also constitutes retaliation and is strictly prohibited.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

However, charging an individual with a violation of the Code of Conduct or other applicable policy or rule for making a materially false statement in bad faith, or for submitting materially false information in bad faith, in the course of a grievance proceeding does not constitute retaliation. Please note that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

Complaints of retaliation in connection with this Policy will be handled in accordance with District Policy 6432, Whistleblower Policy. Individuals who are found to have engaged in retaliation may be subject to disciplinary action.

F. Conflict of Interest

No person designated as a Title IX Coordinator, investigator, Decision-Maker, nor any person designated by the District to facilitate an informal resolution process, may have a conflict of interest or bias for or against Complainants or Respondents generally, or against an individual Complainant or Respondent.

G. Dissemination and Notice

The District shall publish on its website this Policy, and shall prominently display on its website the contact information for the Title IX Coordinator(s) and the Title IX Notice of Non-Discrimination (*see* Section I, above). The District shall also publish that information in any student or employee handbooks that it may produce. The District shall take any other steps that may be necessary in order to notify students, parents or legal guardians of students, employees, applicants for admission or employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District of this Policy, the Title IX Coordinator's contact information and the District's notice of non-discrimination.

H. Records and Record Keeping

The District will maintain the following for a period of seven (7) years:

1. Records of each sexual harassment investigation, including any:
 - a. Determination regarding responsibility, including dismissal;
 - b. Disciplinary sanctions imposed on the Respondent; and
 - c. Remedies provided to the Complainant designed to restore or preserve equal access to the District's education program or activity.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

2. Any appeal and its result;
3. Any informal resolution and its result; and
4. All materials used to train the Title IX Coordinator(s), investigations, Decision-Maker(s), and any person who facilitates an informal resolution process;

In addition, when the District obtains actual knowledge of sexual harassment as defined herein, the District shall create and maintain for a period of seven (7) years the following:

1. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, as well as documentation:
 - a. Explaining why the District's response was not deliberately indifferent; and
 - b. That it took measures designed to restore or preserve equal access to the District's education program or activity;
2. In the event that no supportive measures were provided to the Complainant, documentation of the reason(s) why such a response was not clearly unreasonable in light of the known circumstances.

Please note that documentation of certain reasons or measures taken shall not limit or preclude the District in the future from providing additional explanations or detailing additional measures taken.

II. COMPLAINTS OF SEX DISCRIMINATION OTHER THAN SEXUAL HARASSMENT

Any individual seeking to report allegations of sex discrimination other than sexual harassment is encouraged to file a formal complaint form with the Title IX Coordinator, or contact the Title IX Coordinator. A copy of the formal complaint form is on the website. For discriminatory or harassing conduct which does not meet the definition of sexual harassment under this Policy, the District's response will be governed by other applicable laws and policies, such as Board Policy 6121, Policy Against Discrimination and Harassment; 7550, Dignity for All Students; District Code of Conduct.

All reports or complaints of sex discrimination, including sexual harassment, are encouraged to be submitted to the Title IX Coordinator, who will determine the applicable process through which the allegations will be handled.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION**III. REPORTS OF SEXUAL HARASSMENT, FORMAL COMPLAINTS AND DISTRICT RESPONSES**

Please note that a report does not initiate the Grievance Process. That process is begun only upon the filing of a formal complaint, as explained further below.

Any person may report sexual harassment whether relating to themselves or another person. **However, if any District employee – other than the employee harasser, or the Title IX Coordinator – reasonably believes a student has been discriminated against based on sex or who receives information of conduct which may constitute sexual harassment under this Policy, they shall immediately inform the Title IX Coordinator** of the alleged sexual harassment. Failure to report will subject the employee to discipline up to and including dismissal.

A report of sexual harassment may be made at any time, in person, by mail, by telephone, electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Additionally, while the District encourages reports of sexual harassment to be made directly to the Title IX Coordinator, the report may be made to any District staff member, including, for instance, a guidance counselor, teacher or principal.

If a Title IX Coordinator is the alleged Respondent, the report or formal complaint may be made to a different Title IX Coordinator if the District has designated more than one Title IX Coordinator, or directly to the Superintendent, who shall thereafter fulfill the functions of the Title IX Coordinator regarding that report/complaint, or delegate the function to another person.

A. District Response to Report of Sexual Harassment

The District will promptly respond when there is actual knowledge of sexual harassment, even if a formal complaint has not been filed. The District shall treat Complainants and Respondents equitably by offering supportive measures to the Complainant and by following the Grievance Process prior to imposing any disciplinary sanctions or other actions that are not supportive measures against a Respondent. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

As soon as reasonably possible after receiving a report of alleged sexual harassment from another District employee or after receiving a report directly through any means, the Title IX Coordinator shall contact the Complainant to:

- Discuss the availability of and offer supportive measures, as well as inform the Complainant of the availability of supportive measures with or without the filing of a formal complaint;
- Consider the Complainant's wishes with respect to supportive measures; and
- Explain to the Complainant the process for filing a formal complaint.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION**B. Formal Complaints and Disciplinary Action**

Pursuant to federal regulations and this Policy, a formal complaint that contains an allegation of sexual harassment and a request that the District investigate the allegations is required before the District may conduct a formal investigation of sexual harassment or take any action (other than supportive measures) against a person accused of sexual harassment. Once a formal complaint of sexual harassment is received by the Title IX Coordinator, they shall commence the Grievance

Process set forth below in Section IV. The process for filing a formal complaint is explained below in Section IV.A. If a formal complaint is filed, no disciplinary action may be imposed against a Respondent for conduct which may constitute sexual harassment until the Grievance Process has been completed. If no formal complaint is filed, no disciplinary action may be imposed against a Respondent based upon conduct that would constitute sexual harassment under this Policy.

C. Emergency Removal and Administrative Leave

At any point after receiving a report or formal complaint of sexual harassment, the Title IX Coordinator (or other District official charged with a specific function under this Policy or applicable regulations, such as the investigator or Decision-Maker, for example) may request the Superintendent to direct that an individualized safety and risk analysis be performed to determine whether a Respondent student is an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment. In the event that the safety and risk analysis determines that the Respondent student does present such a threat and removal is therefore justified, the District may remove the Respondent student on an emergency basis, provided that such removal is in full compliance with the IDEA, a student's IEP and or 504 plan if applicable. Such emergency removal shall not be disciplinary. However, the District must provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal, and shall continue to offer educational programming until a final determination is made pursuant to the Grievance Process.

The Title IX Coordinator shall keep the Superintendent of Schools informed of any employee Respondents so that they can make any necessary reports to the New York State Education Department. In appropriate cases, the Superintendent may place an employee Respondent on non-disciplinary administrative leave until a final determination on responsibility is made pursuant to the Grievance Process.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

IV. GRIEVANCE PROCESS

PURPOSE: The purpose of these procedures is to secure prompt and equitable resolutions of formal complaints of sexual harassment, and to treat both Complainants and Respondents equitably in the process. **These procedures apply only to formal complaints alleging sexual harassment prohibited by Title IX.** Upon receipt of a formal complaint of sexual harassment, the Title IX Coordinator will coordinate the District's efforts to comply with its responsibilities related to the Grievance Process. These procedures shall be followed prior to the imposition of any disciplinary sanctions or other actions that are not supportive measures against the Respondent unless otherwise noted herein.

A. Process for Filing a Formal Complaint of Sexual Harassment

The Title IX Grievance Process is initiated by way of a formal complaint filed by the Complainant, the Complainant's parent/guardian, or the Title IX Coordinator. A formal complaint should be filed with the Title IX Coordinator. The Complainant may file a formal complaint or choose not to file a formal complaint and simply receive the supportive measures. If the Complainant does not file a formal complaint, the Title IX Coordinator may sign a formal complaint, but only if initiating the Grievance Process against the Respondent is not clearly unreasonable in light of the known circumstances, or in other cases where, in the exercise of good judgment, the Title IX Coordinator determines that a Grievance Process is necessary to comply with the obligation not to be deliberately indifferent to known allegations of sexual harassment. If the formal complaint is filed by the Title IX Coordinator, they are not a party to the action, and the District must comply with all of the provisions of the Title IX Grievance Process relative to Respondents and Complainants.

Although there is no time limit *per se* to filing a formal complaint, **a Complainant must be participating in or attempting to participate in the education program or activity of the District at the time of filing.** Delays in reporting may significantly impair the ability of school officials to investigate and respond to the allegations. At a minimum, a formal complaint must:

1. contain the name and address of the Complainant;
2. describe the alleged sexual harassment;
3. request an investigation of the matter; and
4. be signed by the Complainant or otherwise indicate that the Complainant is the person filing the formal complaint.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

The formal complaint may be filed with the Title IX coordinator in person, by mail, or by email. A complaint form is on the website and may be obtained from the Title IX Coordinator or on the District's website. A written narrative may be attached to the complaint form explaining the nature of the formal complaint. The complaint form or narrative should contain information that describes the conduct and identifies with reasonable particularity the Complainant(s), the Respondent(s), and any witness(es) to the alleged conduct.

B. Initial Steps and Notice of Formal Complaint

Following receipt of a formal complaint:

1. The Title IX Coordinator will provide notice to the Complainant and to the Respondent (if known), as well as to any other known parties, of the following:
 - a. this Grievance Process, including any informal resolution process;
 - b. the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. "Sufficient details" shall include to the extent known identities of persons involved, the conduct allegedly constituting sexual harassment, and the date and location of the incident(s);
 - c. a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the Grievance Process;
 - d. that each party has the right to have an advisor of his or her choice who may be, but is not required to be, an attorney;
 - e. that each party is entitled to inspect and review evidence; and
 - f. any provisions in the District's Code of Conduct or other applicable District policies, rules or collective bargaining agreements that prohibit knowingly making false statements or knowingly submitting false information in the course of the grievance procedures.
2. The Title IX Coordinator will contact the Complainant to discuss and offer supportive measures as appropriate.
3. The Title IX Coordinator may contact the Respondent to discuss, and/or impose, non-disciplinary supportive measures.
4. The Title IX Coordinator will examine the allegations in the formal complaint to determine whether the allegations, if assumed to be true, are sufficient to sustain a finding of sexual harassment under this Policy.
 - a. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the Complainant to discuss the allegations in the formal complaint and whether amendment is appropriate. In the event that amendment
 - b. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the Complainant to discuss the allegations in the formal complaint and whether amendment is appropriate. In the event that amendment

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

- c. If the Title IX Coordinator was not involved with preparing the formal complaint, the Title IX Coordinator will contact the Complainant to discuss the allegations in the formal complaint and whether amendment is appropriate. In the event that amendment
 - d. is appropriate, the Title IX Coordinator shall immediately provide notice of the additional allegations to the parties whose identities are known.
 - e. If the allegations set forth in the formal complaint are insufficient to sustain a finding of sexual harassment under this Policy, the complaint shall be dismissed. Please refer to Section IV.H, below, for additional details regarding dismissal, including additional grounds on which a formal complaint must/may be dismissed.
5. If the formal complaint is not dismissed, then the Title IX Coordinator will consult with the Superintendent with regard to designating an appropriate investigator and Decision-Maker, both of whom must be properly training and otherwise qualified.

C. Miscellaneous Provisions

1. Copies and Notices. Except as specifically stated elsewhere in this Policy, for any document, information or material required to be delivered to a party or to a person assigned with responsibility under the Grievance Process, the manner of transmittal may be by hand delivery, electronic mail, regular mail or such other manner reasonably calculated to assure prompt delivery with evidence thereof. However, hand delivery to the District will only be permitted if made to the District official charged with the specific function under this Policy (e.g., Title IX Coordinator, Superintendent, investigator, Decision-Maker(s), etc.).
2. Legal Privileges. Nothing in the Grievance Process shall require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege (e.g. medical records, attorney-client privileged information, etc.), unless the person or entity holding such privilege has waived the privilege.
3. Additional Allegations. If, in the course of an investigation, the District decides to investigate allegations about the Complainant or Respondent that were not included in the previous notice, the District shall simultaneously provide notice of the additional allegations to the parties whose identities are known.
4. Consolidation of Complaints. The District may consolidate formal complaints where the allegations of sexual harassment arise out of the same facts or circumstances and the formal complaints are against more than one Respondent; or by more than one Complainant against one or more Respondents; or by one party against the other party. When the District has consolidated formal complaints so that the Grievance Process involves more than one Complainant or more than one Respondent, references to the singular "party", "Complainant", or "Respondent" include the plural, as applicable.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION**D. Timeframe of Grievance Process**

The District shall make a good faith effort to conduct a fair, impartial grievance process in a timely manner designed to provide all parties with a prompt and equitable resolution. It is expected that in most cases, the Grievance Process will be concluded through at least the determination regarding responsibility within ninety (90) calendar days after filing the formal complaint. In more complex cases, where a determination regarding responsibility cannot reasonably be made within that time frame, additional time may be required in order to complete a fair and thorough investigation, or to complete other aspects of the Grievance Process.

Delays and Extensions of Time. At any stage of the Grievance Process, the District may for good cause allow for temporary delays or extensions of time upon request of either party, or on its own initiative. Examples of good cause may include such things as availability of parties or witnesses; school or school administrative office holidays or vacations; school recess periods; referral back to an earlier stage of the grievance process; concurrent law enforcement or other agency activity; or need to obtain interpreters or accommodation of disabilities. For any such delay or extension of time, the Title IX Coordinator, Superintendent or any other individual appointed to play a role in the Grievance Process will provide written notice to the parties of the delay/extension and the reason(s).

E. Investigation

The Title IX Coordinator will coordinate the investigation in accordance with his or her duties as Title IX Coordinator. The investigator designated by the District shall conduct the investigation. The investigator may but is not required to be a District employee so long as the investigator is appropriately trained and does not have a conflict of interest or other bias prohibited by this Policy. The investigation shall include the following:

1. An objective evaluation of all relevant evidence, including inculpatory and exculpatory evidence, and shall not make credibility determinations based on a person's status as a Complainant, Respondent or witness;
2. Ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the District and not on either of the parties;
3. Provide an equal opportunity for the parties to present witnesses and other inculpatory and exculpatory evidence, and not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence;

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

4. Provide the parties with the same opportunities to have others present during any interview or other part of the investigation, including the opportunity to be accompanied by an advisor of their choice. However, the District, including the investigator, may establish restrictions regarding the extent to which an advisor may participate in the proceedings as long as the restrictions apply equally to both parties.
5. Provide, to a party (e.g., Respondent or Complainant, and parent/guardian as appropriate) whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate.
6. Provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, regardless of whether the evidence may or may not be relied upon in reaching a determination regarding responsibility.
7. Prior to completion of the investigative report, the District, through the Title IX Coordinator, must send to each party as well as each party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties shall have (10) days calendar from transmission of same to submit a written response, which the investigator will consider prior to completion of the investigative report.
8. The investigator must prepare a written investigative report that:
 - a. Fairly summarizes relevant evidence;
 - b. Identifies allegations potentially constituting sexual harassment;
 - c. Describes the procedural steps taken from receipt of the formal complaint through the preparation of the investigative report, including notifications to the parties, interviews with parties and witnesses, site visits and any methods used to gather other evidence; and
 - d. Addresses any witness credibility issues, if applicable.
9. The completed investigative report shall be provided in hard copy or electronic format to the Title IX Coordinator, to each party and each party's advisor, if any, and to the Decision-Maker. The Title IX Coordinator shall ensure that the report is provided to the appropriate individuals. In transmitting the report to the parties and their advisors, if any, the parties shall be notified in writing that they have ten (10) calendar days from the date on which the report is transmitted to:

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

3421

Community Relations

16 of 20

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

- a. submit a written response to the report, if they desire;
- b. submit written, relevant questions that the party wants asked of any party or witness, if they desire; and
- c. that any such written response or relevant questions must be sent directly to the Decision-Maker, along with the Decision-Maker's contact information.

F. Determination Regarding Responsibility and Decision-Maker

The determination regarding responsibility of Respondent shall be made by the Decision-Maker. In addition to allowing the parties an opportunity to submit a written response to the investigation report as well as relevant questions, per the above, the Decision-Maker shall adhere to the following in rendering a determination regarding responsibility:

1. In event the Decision-Maker decides to exclude a question posed by a party as not relevant, the Decision-Maker must explain that decision to the party.
2. The Decision-Maker will provide the relevant questions to the party/witness, with copies to each party, and shall provide at least five (5) calendar days for written responses, which responses shall be provided to each party.
3. After the parties have received responses to their initial questions, the Decision-Maker will provide five (5) calendar days for additional, limited follow-up questions and five (5) calendar days for written responses to same. The Decision-Maker may but is not required to provide for additional rounds of follow-up questions, as long as the provision is extended to both parties equally.
4. The Decision-Maker may not make any credibility determinations based on the person's status as a Complainant, Respondent or witness. The Respondent must be deemed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
5. In rendering his or her determination regarding responsibility, the Decision-Maker shall apply a preponderance of evidence standard, which requires evidence establishing that it is more likely than not that Respondent engaged in sexual harassment in violation of this Policy.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

6. The Decision-Maker shall issue a written determination regarding responsibility within fifteen (15) business days after the close of the period for responses to the last round of follow-up questions. The written determination must include:
 - a. Identification of the allegations potentially constituting sexual harassment;
 - b. A description of the procedural steps taken from the receipt of the formal complaint through the determination regarding responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits and methods used to gather evidence;
 - c. Findings of fact supporting the determination;
 - d. Conclusions regarding the application of the District's Code of Conduct or other policies, rules or regulations to the facts;
 - e. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility (i.e., whether or not the Respondent is responsible for sexual harassment); any disciplinary sanctions or remedies that are imposed or that are recommended to be imposed; and whether remedies designed to restore or preserve equal access to the District's education program or activity will be provided by the District to Complainant; and
 - f. The District's procedures and permissible bases for Complainant or Respondent to appeal (*see* Section IV.I, below).
7. The Decision Maker shall provide his or her determination regarding responsibility to the Title IX Coordinator, the Superintendent and the parties simultaneously.
8. The determination regarding responsibility shall become final on the date on which an appeal would no longer be considered timely, or if an appeal is timely filed, when the District provides the parties with the written determination of the result of the appeal.

G. Remedies Upon Final Determination Regarding Responsibility

1. Remedies must be designed to restore or preserve equal access to the District's education program or activity. Remedies may include supportive measures and/or disciplinary sanctions, as appropriate under the circumstances.
2. Disciplinary sanctions against an employee Respondent may include any sanction available for the discipline of employees, up to and including dismissal, in accordance with any applicable collective bargaining agreement as well as any applicable state or federal laws or regulations.
3. Disciplinary sanctions against a student may include any available discipline or sanction, up to and including expulsion, pursuant to the District's Code of Conduct and any other applicable policies or rules, and in accordance with any applicable state or federal laws or regulations.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION**H. Dismissal of a Formal Complaint**

1. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct:
 - a. Does not fall within the scope of this policy (e.g. the allegations do not constitute sexual harassment as defined herein), even if proved;
 - b. Did not occur in the District's education program or activity; or
 - c. Did not occur against a person in the United States.
2. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination regarding responsibility stage(s):
 - a. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations therein;
 - b. The Respondent is no longer enrolled or employed by the District; or
 - c. Specific circumstances prevent the District from gathering evidence sufficient to reach a determination regarding responsibility as to the formal complaint or allegations therein.
3. Prior to dismissal of a formal complaint, the person responsible at that stage shall consult with the Superintendent.
4. Upon dismissal of a formal complaint, the District must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the parties.
5. NOTE: The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other applicable policies, rules or Code of Conduct of the District. In some cases, the District may have an obligation to continue an investigation and proceed under a different policy or mandated process.

I. Appeals Process

1. Complainant(s) or Respondent(s) may appeal from a determination regarding responsibility, or from a dismissal of a formal complaint or any allegations therein, on the following bases only:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
 - c. The Title IX Coordinator, investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

Continued

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

2. Appeals for any other reason, or upon any determination regarding responsibility not included in the written appeal, will not be heard.
3. An appeal must be filed within seven (7) calendar days from the date on which the determination regarding responsibility is transmitted to the parties. An appeal must be submitted in writing to the Title IX Coordinator, with a copy to the Superintendent of Schools, and shall state with particularity the basis(es) for the appeal as well as all information and evidence in support of the basis(es) identified. Appellants should include with the appeal any documentary or electronic evidence in support of the appeal. Any supportive measures shall remain in place during the pendency of an appeal unless a change in circumstances warrant modifications to those measures.
4. Following receipt of the appeal, the Title IX Coordinator shall notify all parties in writing of the appeal, any deadlines associated with the appeal process, and the individual who will decide the appeal (i.e. the Superintendent or a member of the District's Administration who is not the Title IX Coordinator, investigator or Decision-Maker, who does not have a conflict of interest, and who underwent the training specified in this Policy). The non-appealing party(ies) shall also be provided a copy of the appeal and any information submitted in connection with the appeal.
5. Either party may submit a written statement in response to the appeal, whether in support of or challenging the outcome. Any such written statement must be received by the Title IX Coordinator, with a copy to the individual who will decide the appeal, within seven (7) calendar days from the date on which the appeal was transmitted to the non-appealing party(ies). Each party which submits a written statement shall simultaneously provide a copy to the other party(ies) and to the Title IX Coordinator.
6. The individual who will decide the appeal, in rendering a decision on the appeal, shall consider the record as well as any statements or information submitted by the parties in connection with the appeal.
7. The individual who will decide the appeal shall issue a written decision within ten (10) business days after the deadline for either party to submit a written statement in response to the appeal. The written decision shall describe the result of the appeal and the rationale. The decision may deny or grant the appeal, in whole or in part, and may but is not required to refer an appealed issue back to a prior point in the Grievance Process, if appropriate under the circumstances. The written decision shall be provided to both parties as well as the Title IX Coordinator.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

3421

Community Relations

20 of 20

SUBJECT: TITLE IX POLICY AGAINST SEXUAL HARASSMENT AND SEX DISCRIMINATION

J. Informal Resolution

At any time prior to reaching a determination regarding responsibility, but only after a formal complaint has been filed, the District may offer an optional informal resolution process (e.g. mediation) that does not involve a full investigation and adjudication of the formal complaint. In order to do so, the District must:

1. Provide written notice to the parties disclosing:
 - a. The allegations of the formal complaint;
 - b. The requirements of the informal resolution process, including that the parties will be precluded from resuming a formal complaint arising from the same allegations in the event that an informal final resolution is agreed to during the informal resolution process, and that any party has the right to withdraw from the informal resolution process and resume the Grievance Process with respect to the formal complaint at any time prior to agreeing to an informal final resolution;
 - c. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared; and
2. Obtain the parties' voluntary written consent to the informal resolution process.

In no event may the District offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

If the parties consent to the informal resolution process, the District will attempt to complete that process within thirty (30) calendar days. If at any point during the informal resolution process it is determined that the allegations are unlikely to be resolved, the District reserves the right to resume the Grievance Process.

20 USC § 1092(f)(6)(A)(v) 20 USC § 1681, et. seq.
34 USC § 12291(a)(8, 10, and 30)
34 CFR Part 106 Education Law §
13 8 NYCRR § 100.2(kk)

NOTE: Refer also to Policies: #6121 - Policy Against Discrimination and Harassment
#6432 - Whistleblower Policy
#7550 - Dignity for All Students
District Code of Conduct

Adoption Date: 01/27/2025
10/24/2022 (revised 09/27/2024)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6410

Personnel

1 of 3

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

The Board will provide staff with access to various computerized information resources through the District's Computer System (DCS) 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.

The Board encourages staff to make use of the DCS to explore educational topics, conduct research and contact others in the educational world. Staff members are encouraged to utilize electronic communications in their roles as employees of the District, and are encouraged to utilize electronic means to exchange communications with parents/guardians or homebound students, subject to appropriate consideration for student privacy. Such usage shall be limited to school related issues or activities. Communications over the DCS are often public in nature; therefore, general rules and standards for professional behavior and communications will apply.

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 their designee(s) to provide staff with training and/or notification in the proper and effective use of the DCS.

Staff use of the DCS is conditioned upon receipt of a signed acknowledgement by the staff member that he or she has reviewed and understands this policy and agrees to comply therewith, along with any other policy or regulation adopted to ensure acceptable use of the DCS. All such agreements shall be maintained by the District.

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. 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.

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.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6410

Personnel

2 of 3

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

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.

Social Media Use by Employees

The District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The 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. Please note that personal use of these media during District time or on District-owned equipment is prohibited. 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.

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.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6410

Personnel

3 of 3

SUBJECT: STAFF USE OF COMPUTERIZED INFORMATION RESOURCES

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
#6180 - Staff-Student Relations (Fraternization)
#6411 - Use of Email in the School District
#7243 - Student Data Breaches
#7315 - Student Use of Computerized Information Resources (Acceptable Use)
#7316 - Student Use of Personal Technology
#8271 - Internet Safety/Internet Content Filtering Policy

Adoption Date: 06/17/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6411

Personnel

1 of 5

SUBJECT: USE OF EMAIL IN THE DISTRICT

Overview

Email is a valuable tool that allows for quick and efficient communication. However, careless, unacceptable, or illegal use of email may place the District and members of its community at risk. Use of email in the District must be consistent with the District's educational goals and comply with federal and state laws and regulations, as well as all applicable District policies, regulations, procedures, collective bargaining agreements, and other related documents such as the District's *Code of Conduct*. This includes, but is not limited to, this policy and the District's policies on non-discrimination and anti-harassment, protecting the personal information of District employees and students, acceptable use, and record management.

District-related emails are most secure and best managed when District email services are used. Accordingly, the District's email services should be used for all district-related emails, including emails in which students or student issues are involved. Personal email accounts should not be used to conduct District-related business. Further, District email accounts should not be used as any individual's primary personal email address.

Scope and Application of Policy

This policy applies to all District employees and any individual assigned a District email address to conduct District-related business (authorized user).

Sending Emails with Personal, Private, and Sensitive Information

Personal, private, and sensitive information (PPSI) is any information to which unauthorized access, disclosure, modification, destruction, use, or disruption of access or use could have or cause a severe impact on critical District functions, employees, students, third parties, or other individuals or entities. For purposes of this policy, PPSI includes, but is not limited to:

- a) District assessment data;
- b) Protected student records;
- c) Information subject to laws protecting personal information such as Family Educational Rights and Privacy Act (FERPA), Individuals with Disabilities Act (IDEA), Health Insurance Portability and Accountability Act (HIPAA);
- d) Social security numbers;
- e) Driver's license or non-driver identification card numbers;
- f) Credit or debit card numbers;
- g) Account numbers;

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6411

Personnel 2 of 5

SUBJECT: USE OF EMAIL IN THE DISTRICT

- h) Passwords; and
- i) Access codes.

The failure to follow proper security protocols when emailing PPSI increases the risk that unauthorized individuals could access and misuse PPSI.

District employees and authorized users may not send or forward emails that include:

- a) PPSI without building principal or supervisor authorization. Additional precautions, such as encrypting the email in a District-approved method, should be taken when sending any emails containing PPSI.
- b) Lists or information about District employees without building principal or supervisor authorization.
- c) Attachments with file names that may disclose PPSI. Files containing PPSI should be password protected and encrypted. File protection passwords should not be transmitted via email. District employees and authorized users will not use cloud-based storage services (such as Google Drive, Dropbox and/or OneDrive) to transmit files with PPSI without previous District approval or consulting with a building principal or supervisor. Sharing over the cloud is permitted when restricting access to authorized viewers only.
- d) Comments or statements about the District that may negatively impact it.

Any questions regarding the District's protocols for sending emails with PPSI or what information may or may not be emailed should be directed to a supervisor.

Receiving Suspicious Emails

Social engineering attacks are prevalent in email. In a social engineering attack, an attacker uses human interaction (social skills) to obtain confidential or sensitive information.

Phishing attacks are a form of social engineering. Phishing attacks use fake email messages pretending to represent a legitimate person or entity to request information such as names, passwords, and account numbers. They may also deceive an individual into opening a malicious webpage or downloading a file attachment that leads to malware being installed.

Malware is malicious software that is designed to harm computer systems. Malware may be inadvertently installed after an individual opens an email attachment, downloads content from the Internet, or visits an infected website.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6411

Personnel 3 of 5

SUBJECT: USE OF EMAIL IN THE DISTRICT

Before responding to any emails, clicking on any hyperlinks, or opening any attachments, District employees and authorized users should review emails for indicators of suspicious activity. These indicators include, but are not limited to:

- a) Attachments that were not expected or make no sense in relation to the email message;
- b) When the recipient hovers the mouse over a hyperlink that is displayed in the email, the link to the address is for a different website;
- c) Hyperlinks with misspellings of known websites;
- d) The sender is not someone with whom the recipient ordinarily communicates;
- e) The sender's email address is from a suspicious domain;
- f) Emails that are unexpected, unusual, or have bad grammar or spelling errors; and
- g) Emails asking the recipient to click on a link or open an attachment to avoid a negative consequence or to gain something of value.

District employees and authorized users should forward suspicious emails to the District's information technology (IT) staff.

No Expectation of Privacy

District employees and authorized users should have no expectation of privacy for any email messages they create, receive, or maintain on their District email account. The District has the right to monitor, review, and audit each District employee's and authorized user's District email account.

Accessing District Email Services on Personal Devices

In the event a District employee or authorized user loses a personal device that has been used to access the District's email service, that District employee or authorized user should notify the District's IT staff so that measures can be taken to secure the email account.

Personal Use

The District's email services are intended for District-related business only. Incidental or limited personal use of the District's email services is allowed so long as the use does not interfere with job performance. However, District employees and authorized users should have no expectation of privacy in this email use.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024

6411

Personnel

4 of 5

SUBJECT: USE OF EMAIL IN THE DISTRICT

The District's email services should not be used to conduct job searches, post personal information to bulletin boards, blogs, chat groups, and list services, etc. without authorization from a building principal or supervisor.

It is prohibited to use the District's email services for:

- a) Illegal purposes;
- b) Transmitting threatening, obscene, discriminatory, or harassing materials or messages;
- c) Personal gain or profit;
- d) Promoting religious or political causes; and/or
- e) Sending spam, chain letters, or any other type of unauthorized widespread distribution of unsolicited mail.

Personal email accounts or services (Yahoo, Gmail, etc.) should not be accessed via the District Computer System (DCS) without authorization from a building principal or supervisor.

Confidentiality Notice

A standard confidentiality notice will automatically be added to each email as determined by the District.

Training

District employees and authorized users will receive ongoing training related to the use of email in the District. This training may cover topics such as:

- a) What is expected of users, including the appropriate use of email with students, parents, and other individuals to avoid issues regarding harassment and/or charges of fraternization;
- b) How to identify suspicious emails, as well as what to do after receipt of a suspicious email;
- c) Emailing PPSI;
- d) How to reduce risk to the District;
- e) Cost of policy non-compliance;
- f) Permanence of email, including how email is never truly deleted, as the data can reside in many different places and in many different forms; and
- g) How users should have no expectation of privacy when using the DCS or any District email service.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2024 6411

Personnel 5 of 5

SUBJECT: USE OF EMAIL IN THE DISTRICT

Notification

The District will provide annual notification of this policy and any corresponding regulations to all District employees and authorized users. The District will then require that all employees and authorized users acknowledge that they have read, understood, and will comply with the policy and regulations.

Records Management and Retention

The same laws and business records requirements apply to email as to other forms of written communication.

Email will be maintained and archived in accordance with Retention and Disposition Schedule for New York Local Government Records (LGS-1) and as outlined in any records management policies, regulations, and/or procedures.

Additionally, emails may be subject to disclosure under the Freedom of Information Law (FOIL), a court action, an audit, or as otherwise required or permitted by law or regulation.

Disciplinary Measures

Failure to comply with this policy and any corresponding regulations or procedures may subject a District employee and authorized user to discipline such as loss of email use, loss of access to the DCS, and/or other disciplinary action up to and including termination. When applicable, law enforcement agencies may be contacted.

The District's IT staff may report inappropriate use of email by a District employee or authorized user to the District employee or authorized user's building principal or supervisor who may take appropriate action which may include disciplinary measures.

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

Adoption Date: 06/17/2024

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7315

Students

1 of 2

SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY)

The Board will provide access to various computerized information resources through the District's computer system ("DCS" hereafter) consisting of software, hardware, computer networks and electronic communications systems. This may include access to electronic mail, so-called "on-line services," "WiFi" and the "Internet." It may include the opportunity for some students to have independent access to the DCS from their home or other remote locations. All use of the DCS, including independent use off school premises, shall be subject to this policy and accompanying regulations. Further, all such use must be in support of education and/or research and consistent with the goals and purposes of the District.

Access to Inappropriate Content/Material and Use of Personal Technology or Electronic Devices

This policy is intended to establish general guidelines for the acceptable student use of the DCS and also to give students and parents/guardians notice that student use of the DCS will provide student access to external computer networks not controlled by the District. The District cannot screen or review all of the available content or materials on these external computer networks. Thus, some of the available content or materials on these external networks may be deemed unsuitable for student use or access by parents/guardians.

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered inappropriate for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events. Parents and guardians must be willing to establish boundaries and standards for the appropriate and acceptable use of technology and communicate these boundaries and standards to their children. The appropriate/acceptable use standards outlined in this policy apply to student use of technology via the DCS or any other electronic media or communications, including by means of a student's own personal technology or electronic device on school grounds or at school events.

Standards of Acceptable Use

Generally, the same standards of acceptable student conduct which apply to any school activity shall apply to use of the DCS. 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 student conduct and use as well as proscribed behavior.

District students shall also adhere to all laws, policies and rules governing computers and electronic media, including but not limited to, copyright laws, rights of software publishers, license agreements, and students rights of privacy created by federal and state law.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7315

Students

2 of 2

SUBJECT: STUDENT USE OF COMPUTERIZED INFORMATION RESOURCES (ACCEPTABLE USE POLICY)

Students who engage in unacceptable use may lose access to the DCS in accordance with applicable due process procedures, and may be subject to further discipline under the District's school conduct and discipline policy and the *District Code of Conduct*. The District reserves the right to pursue legal action against a student who willfully, maliciously or unlawfully damages or destroys property of the District. Further, the District may bring suit in civil court against the parents/guardians of any student who willfully, maliciously or unlawfully damages or destroys District property pursuant to General Obligations Law Section 3-112.

Student data files and other electronic storage areas will be treated like school lockers. This means that such areas shall be considered to be District property subject to control and inspection. The Computer Coordinator may access all such files and communications without prior notice to ensure system integrity and that users are complying with the requirements of this policy and accompanying regulations. Students should **NOT** expect that information stored on the DCS will be private.

Notification

The District's Acceptable Use Policy will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and students' obligations when accessing the DCS.

NOTE: Refer also to Policy #8271 - Internet Safety/ Internet Content Filtering Policy
District Code of Conduct

Adoption Date: 04/28/2025
11/23/2020

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025 7316

Students 1 of 3

SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY

The District consulted with local stakeholders including employee organizations representing each bargaining unit, parents, and students to develop this policy to prohibit the use of Internet-enabled devices by students during the school day on school grounds. This policy aims to ensure that students remain focused on their academic responsibilities throughout the school day, which includes all instructional and non-instructional periods such as homeroom, lunch, recess, study halls, and passing time.

For purposes of this policy, the following definitions apply:

- a) "Internet-enabled devices" means and includes any smartphone, tablet, smartwatch, or other device capable of connecting to the Internet and enabling the user to access content on the Internet, including social media applications;

"Internet-enabled devices" does not include:
 - 1. Non-Internet-enabled devices such as cellular phones or other communication devices not capable of connecting to the Internet or enabling the user to access content on the Internet; or
 - 2. Internet-enabled devices supplied by the District, charter school, or Board of Cooperative Educational Services (BOCES) that are used for an educational purpose.
- b) "School day" means the entirety of every instructional day as required by subdivision 7 of the Education Law Section 3604 during all instructional time and non-instructional time, including but not limited to homeroom periods, lunch, recess, study halls, and passing time.
- c) "School grounds" means in or on or within any building, structure, athletic playing field, playground, or land contained within the real property boundary line of a district elementary, intermediate, junior high, vocational, or high school, a charter school, or a BOCES facility.

Students are generally prohibited from using Internet-enabled devices during the school day anywhere on school grounds.

However, students may be authorized to use an Internet-enabled device during the school day on school grounds:

- a) If authorized by a teacher, principal, or the District for a specific educational purpose;
- b) Where necessary for the management of a student's health care;
- c) In the event of an emergency;
- d) For translation services;

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7316

Students

2 of 3

SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY

- e) On a case-by-case basis, upon review and determination by a school psychologist, school social worker, or school counselor for a student caregiver who is routinely responsible for the care and well-being of a family member; or
- f) Where required by law.

Students must be permitted to use an Internet-enabled device where the use is included in the student's:

- a) Individualized Education Program (IEP); or
- b) Section 504 Plan.

On-Site Storage of Internet-Enabled Devices Including Cell Phones

Students must store their Internet-enabled devices in designated on-site storage areas during the school day. On-site storage areas may include, but are not limited to, student lockers, designated storage bins in classrooms, or secure storage areas in the school's main office. The designated on-site storage areas must be easily accessible to students and provide adequate security to ensure the safekeeping of the student's devices. The District will communicate the procedures for storing and retrieving devices, ensuring that students understand their responsibilities in using the on-site storage facilities provided.

Methods for Parents to Contact Students During the School Day

To accommodate necessary communication, parents or persons in parental relation may use the following methods to contact their student during school hours while adhering to this policy:

- a) School Office Phone: Parents or persons in parental relation may call the school's main office, and the office staff can relay messages to the student or call the student to the office to speak with their parent or person in parental relation.
- b) Designated Contact Email: Schools may provide a designated email address for parents and persons in parental relation to send messages. These emails may be monitored by school staff who can then pass the messages on to the students.
- c) Classroom Intercom System: In case of an emergency, the school's main office can use the classroom intercom system to notify students directly or ask them to come to the office.
- d) School Messaging Application: Schools may use a secure messaging application or platform where parents or persons in parental relation can send messages to their student. The messages can be monitored and delivered by school staff.

Parents and persons in parental relation will be notified in writing of the methods that are available for contacting their student during school hours upon enrollment and at the beginning of each school year.

Continued

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7316

Students

3 of 3

SUBJECT: USE OF INTERNET-ENABLED DEVICES DURING THE SCHOOL DAY

Student Discipline for Accessing Internet-Enabled Devices During the School Day

The District is prohibited from suspending a student solely for accessing internet-enabled devices in violation of this policy.

Posting and Translation of Policy

The District will post this policy in a clearly visible and accessible location on its website. Translations of the policy into the 12 most common non-English languages spoken by limited-English proficient individuals in the state will be provided upon request by a student or other persons in parental relation to a student.

Reporting and Mitigation Action Plan

Beginning September 1, 2026 and annually thereafter, the District will publish an annual report on its website detailing enforcement of this policy within the District in the prior school year. This report will include non-identifiable demographic data of students who have faced disciplinary action for non-compliance and analysis of any demographic disparities in enforcement of this policy. If a statistically significant disparate enforcement impact is identified, the report will include a mitigation action plan.

NOTE: Refer also to Policies #7315 - Student Use of Computerized Information Resources
(Acceptable Use Policy)
#7550 - Dignity for All Students Act
#8271 - Internet Safety/Internet Content Filtering Policy

Education Law Section 2803

Adoption Date: 07/28/2025

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

8271

Instruction

1 of 3

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING

In compliance with the Children's Internet Protection Act (CIPA) and Regulations of the Federal Communications Commission (FCC), the District has adopted and will enforce this Internet safety policy that ensures the use of technology protection measures (i.e., filtering or blocking of access to certain material on the Internet) on all District computers with Internet access. Such technology protection measures apply to Internet access by both adults and minors with regard to visual depictions that are obscene, child pornography, or, with respect to the use of computers by minors, considered harmful to such students. The District will provide for the education of students regarding appropriate online behavior including interacting with other individuals on social networking websites and regarding cyberbullying and predator awareness. The education provided to all students will be of a generic nature and will be focused on information to protect all students from the inherent dangers of internet communication. Further, appropriate monitoring of online activities of minors, as determined by the building/program supervisor, will also be enforced to ensure the safety of students when accessing the Internet.

Further, the Board's decision to utilize technology protection measures and other safety procedures for staff and students when accessing the Internet fosters the educational mission of the schools including the selection of appropriate teaching/instructional materials and activities to enhance the schools' programs; and to help ensure the safety of personnel and students while online.

However, no filtering technology can guarantee that staff and students will be prevented from accessing all inappropriate locations. Proper safety procedures, as deemed appropriate by the applicable administrator/program supervisor, will be provided to ensure compliance with the CIPA.

In addition to the use of technology protection measures, the monitoring of online activities and access by minors to inappropriate matter on the Internet may include, but shall not be limited to, the following guidelines:

- a) Ensuring the presence of a teacher and/or other appropriate District personnel when students are accessing the Internet including, but not limited to, the supervision of minors when using electronic mail, instant messaging and other forms of direct electronic communications. As determined by the appropriate building administrator, the use of email, as well as social networking websites, may be blocked as deemed necessary to ensure the safety of such students;
- b) Monitoring logs of access in order to keep track of the web sites visited by students as a measure to restrict access to materials harmful to minors;
- c) In compliance with this Internet Safety Policy as well as the District's Acceptable Use Policy, unauthorized access (including so-called "hacking") and other unlawful activities by minors are prohibited by the District; and student violations of such policies may result in disciplinary action; and

(Continued)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

8271

Instruction

2 of 3

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY

- d) Appropriate supervision and notification to minors regarding the prohibition as to unauthorized disclosure, use and dissemination of personal identification information regarding such students.

The determination of what is "inappropriate" for minors shall be determined by the District and/or designated school official(s). It is acknowledged that the determination of such "inappropriate" material may vary depending upon the circumstances of the situation and the age of the students involved in online research.

The terms "minor," "child pornography," "harmful to minors," "obscene," "technology protection measure," "sexual act," and "sexual contact" will be as defined in accordance with CIPA and other applicable laws/regulations as may be appropriate and implemented pursuant to the District's educational mission.

Under certain specified circumstances, the blocking or filtering technology measure(s) may be disabled for adults engaged in bona fide research or other lawful purposes. The power to disable can only be exercised by an administrator, supervisor, or other person authorized by the School District.

The School District shall provide certification, pursuant to the requirements of CIPA, to document the District's adoption and enforcement of its Internet Safety Policy, including the operation and enforcement of technology protection measures (i.e., blocking/filtering of access to certain material on the Internet) for all School District computers with Internet access.

Internet Safety Instruction

In accordance with New York State Education Law, the School District may provide, to students in grades K through 12, instruction designed to promote the proper and safe use of the Internet. The Commissioner shall provide technical assistance to assist in the development of curricula for such course of study which shall be age appropriate and developed according to the needs and abilities of students at successive grade levels in order to provide awareness, skills, information and support to aid in the safe usage of the Internet.

Under the Protecting Children in the 21st Century Act, students will also be educated on appropriate interactions with other individuals on social networking websites as well as cyberbullying and predator awareness.

Access to Harmful Content/Material and Use of Personal Technology or Electronic Devices

Despite the existence of District policy, regulations and guidelines, it is virtually impossible to completely prevent access to content or material that may be considered harmful for students. Students may have the ability to access such content or material from their home, other locations off school premises and/or with a student's own personal technology or electronic device on school grounds or at school events.

(Continued)

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

8271

Instruction

3 of 3

SUBJECT: INTERNET SAFETY/INTERNET CONTENT FILTERING POLICY (Cont'd.)

The District is not responsible for inappropriate or harmful content or material accessed via a student's own personal technology or electronic device or via an unfiltered Internet connection received through a student's own personal technology or electronic device.

Notification/Authorization

The District's Acceptable Use Policy and accompanying Regulations will be disseminated to parents and students in order to provide notice of the school's requirements, expectations, and student's obligations when accessing the Internet.

The District has provided reasonable public notice and has held at least one (1) public hearing or meeting to address the proposed Internet Safety/Content Filtering Policy prior to Board adoption. Furthermore, appropriate actions will be taken to ensure the ready availability to the public of the District's Internet Content Filtering/Safety Policy, as well as any other District policies relating to the use of technology. Additional public notice and a hearing or meeting is not necessary when amendments are made to the Internet Safety Policy in the future. The District's Internet Safety/Internet Content Filtering Policy must be made available to the FCC upon request.

The Internet Safety/Internet Content Filtering Policy is required to be retained by the school for at least five (5) years after the funding year in which the policy was relied upon to obtain E-rate funding.

47 United States Code (USC) Sections 254(h) and 2540);
47 Code of Federal Regulations (CFR) Part 54 Education Law Section 814

NOTE: Refer also to Policy #7315 - Student Use of Computerized Information Resources (Acceptable Use)

Adoption Date: 12/19/2017
07/27/2010
07/26/2011
06/19/2012

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2025

7450

Students

SUBJECT: FUNDRAISING BY STUDENTS

Fundraising projects in which students sell merchandise, provide services, or in other ways solicit money for school activities may be sponsored by school organizations with the express approval of the Building Principal. Any such plan shall have a clearly defined purpose and, in general, shall contribute to the educational experience of students and shall not conflict with instructional programs or state mandates. Fundraising activities away from school property shall be held to a minimum. All participation should be voluntary.

Door to door sales projects undertaken by any organization using the Lewiston-Porter Central School District name shall require previous approval of the Board. Profits shall be used to enhance school programs by providing money for expenditures not normally funded by the District.

Employees are cautioned against giving the impression to students that the purpose of selling items (e.g., "scratch off" cards, holiday wrappings, etc.) or paying a fee is to defray a portion of the District's educational program. At no time should a student's participation in an educational activity include such sales or fees. In addition, it is imperative that employees not deposit the proceeds of any legitimate sales activity in their own personal accounts. These activities may jeopardize a student's right to participate in the educational program on a tuition and/or fee-free basis. Further, employees engaged in such activities may be held personally liable.

New York State Constitution, Article 8, Section 1

Education Law Section 414 8

New York Code of Rules and Regulations (NYCRR) Section 19.6

Adoption Date: 05/27/2025
12/14/2020

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2019

3271

Community Relations

SUBJECT: SOLICITATION OF CHARITABLE DONATIONS

School Children

Direct solicitation of charitable donations from children in the District schools on school property during regular school hours shall not be permitted. It will be a violation of District policy to ask District school children directly to contribute money or goods for the benefit of a charity during the hours in which District students are compelled to be on school premises.

However, this policy does not prevent the following types of fund raising activities:

- a. Fund raising activities which take place off school premises, or outside of regular school hours during before-school or after-school extracurricular periods;
- b. Arms-length transactions, where the purchaser receives a consideration for his/her donation.
- c. For example, the sale of goods or tickets for concerts or social events, where the proceeds go to charity, shall not be prohibited as the purchaser will receive consideration - the concert or social event - for the funds expended;
- d. Indirect forms of charitable solicitation on school premises that do not involve coercion, such as placing a bin or collection box in a hallway or other common area for the donation of food, clothing, other goods or money. However, collection of charitable contributions of food, clothing, other goods or funds from students in the classroom or homeroom is prohibited.

The Superintendent/designee shall decide which organizations, groups, etc. can solicit charitable donations and for what purposes, as long as the activities comply with the terms of this policy and the Rules of the Board of Regents.

Regulations shall be developed by the administration to implement this policy.

School Personnel

Soliciting of funds from school personnel by persons or organizations representing public or private organizations shall be prohibited. The Superintendent shall have the authority to make exceptions to this policy in cases where such solicitation is considered to be in the District's best interest. The Board shall be notified of these instances.

Distribution of information about worthwhile area charities may be made through the Office of the Superintendent as a service to District personnel.

New York State Constitution Article 8, Section 1; Education Law Section 414
8 New York Code of Rules and Regulations (NYCRR) Section 19.6

NOTE: Refer also to Policy #7450 - Fund Raising by Students

Adoption Date: 03/19/2019

LEWISTON-PORTER CENTRAL SCHOOL DISTRICT

2017

8350

Instruction

SUBJECT: USE OF COPYRIGHTED MATERIALS

It is the intent of the Board to abide by the provisions of the United States Copyright Law (Title 17 United States Code Section 101 et seq.).

All employees and students are prohibited from copying materials not specifically allowed by the copyright law, fair use guidelines, licenses or contractual agreements, or the permission of the copyright proprietor.

Any person who willfully disregards the copyright policy shall be in violation of Federal Copyright Laws and District policy and shall assume all liability.

A copyright officer may be appointed by the Superintendent to provide information for all personnel regarding current copyright law and to maintain copyright records. The copyright officer will also serve as the designated agent registered with the U.S. Copyright Office to expeditiously respond to any notices of claimed copyright infringement.

Regulations and procedures shall be developed by the administration detailing what can and cannot be copied. Appropriate copyright notices will be placed on or near all equipment used for duplication.

Digital Millennium Copyright Act (DMCA)
17 United States Code (USC) Sections 101 et seq., 512 and 1201 et seq.

Adoption Date: 12/19/2017
07/18/2006

Acknowledgement of Receipt of the Employee Handbook

Your electronic signature confirms the receipt of this Employee Handbook. In addition, it serves as an affirmation of the following:

1. I received information about the Board of Education Policies listed in this handbook and information regarding accessing all Board Policies online.
2. I have read all the Board Policies contained in this handbook, and understand the complaint procedure to follow if I believe I have been subject to or I become aware of student(s) or other employee(s) who have been subject to discrimination, harassment, and or retaliation as described in the Board Policies.
3. I understand that if I have any questions about the content of this handbook, I may ask my principal/supervisor, or the Human Resources Office staff.
4. I agree to comply with the policies, procedures and other guidelines set forth in this handbook.
5. I understand that the District reserves the right to change, modify, or abolish any or all of the policies, procedures, and regulations contained or described in the handbook as it deems appropriate at any time.
6. I understand that neither the handbook nor its contents are an express or implied contract regarding my employment.

If you have received a hard copy of the Employee Handbook, please read and sign this page and send it to Human Resources/District Office.

Please Print Name: _____

Signature: _____

Location: _____

Date: _____