

## **DISABILITY HARASSMENT/DISCRIMINATION: STUDENTS**

Hancock Central School District affords all students equal educational opportunities, as well as, equal opportunities to participate in extracurricular activities and prohibits discrimination and harassment in any program or activity of or sponsored by Hancock Central School District. Disability harassment is a form of discrimination and is prohibited by Hancock Central School District policy and by state and federal law.

### **A. OVERVIEW**

Discrimination and harassing behaviors include, but are not limited to, making comments, name-calling, conduct of a physical nature, or other expressive behavior directed at an individual or group on the basis of an individual or group's disability or disabilities. Discriminatory and harassing behavior creates a demeaning, intimidating, and hostile educational environment.

Discrimination/Harassment is considered to have occurred when such conduct:

- has the purpose or effect of creating an intimidating, hostile or offensive academic environment,
- has the purpose or effect of substantially or unreasonably interfering with a student's academic performance, or
- otherwise adversely affects an individual's academic opportunities.

### **B. PREVENTION AND REMEDIATION**

School personnel who become aware of disability-related harassment shall act promptly to address the harassment with the goal of preventing it from recurring and, where appropriate, to address the effects on the student who was harassed. Remedial measures will generally include counseling of persons(s) who have been harmed by harassment and person(s) who have been responsible for the harassment of others and implementing monitoring programs to follow up on addressed issues of disability harassment. Students should report any concerns related to disability harassment to the school principal, a teacher or counselor, or other school personnel.

### **C. COMPLAINT PROCEDURES**

#### **Who may file a complaint:**

Students, or a parent(s) or legal guardian(s) who believe his/her student has been subjected to disability harassment by another student, teacher, administrator or other school personnel should report the incident(s) immediately to a school administrator, teacher or a counselor or other school personnel.

Hancock Central School District encourages students, or a parent(s) or legal guardian(s) to report incident(s) of disability harassment. If the student or parent(s) or legal guardian(s) desires further assistance regarding the complaint, the Director of Special Programs may be contacted.

**How to file a complaint:**

Complaints may be filed with the Special Programs Office. Complaints must be submitted in writing within 180 days from the date of alleged act(s), unless the time for filing is extended by the Superintendent of School's Office for good cause. All inquiries and discrimination complaints filed with the Hancock Central School District are confidential to the extent possible as described below. Confidentiality also applies to the investigative process.

**Where to file a complaint:**

Hancock Central School District District Office  
67 Education Lane  
Hancock, NY 13783  
(607) 637-1301

**Investigation Procedures and Decision of Investigator**

- Upon receipt of a report or complaint alleging disability harassment/discrimination, the Special Programs Office shall immediately undertake or authorize an investigation. The investigation may be conducted by school administrators or by a third party investigator, as determined by the Special Programs Office.
- The investigation will, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint.
- The investigation will be completed as soon as practicable. The investigator shall make a written report to the office of special programs office with a copy to the Superintendent of Schools upon completion of the investigation. If the complaint involves the Superintendent of Schools, the report may be filed directly with the Clerk of the Board of Education. The report shall include the investigator's conclusion as to whether the allegations have been substantiated as factual and whether they appear to be violations of this policy.
- The Superintendent of Schools upon receipt of the investigator's report shall make the final determination as to whether the alleged conduct constitutes a violation of this policy. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances.
- Upon a finding that disability harassment/discrimination has occurred, a proper response shall be fashioned by the appropriate administrator. Building principals addressing violations of this policy by students and the Superintendent of Schools addressing violations of this policy by employees and/or students should consider the surrounding circumstances, the nature of the behavior, past incidents or past or continuing patterns of behavior, the relationships between the parties involved and the context in which the alleged incidents occurred.
- Steps may be taken by the appropriate administrator to protect the complainant, pupils, teachers, administrators or other personnel pending completion of an investigation of alleged disability harassment/discrimination.
- The results of the investigation of each complaint filed under these procedures will be reported in writing to the complainant or his/her legal guardian by the Office of the Superintendent.

However, if necessary to comply with state and federal privacy laws, a copy of the investigator's report shall not be provided to any third party.

### **Disciplinary Consequences**

Any individual who violates this policy by engaging in prohibited conduct that directly or indirectly causes intimidation, harassment, or physical harm to another student or employee will be subject to disciplinary action.

### **Retaliation**

No person will suffer retaliation or intimidation for participating in the complaint process.

Retaliation means some type of adversarial or punitive action taken against an individual or individuals as a result of filing a complaint or participating in the complaint process. Retaliation against any student seeking assistance at their school, filing a complaint, or participating in the investigative process is grounds for a subsequent retaliation/harassment complaint.

### **Confidentiality**

Hancock Central School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed and the witnesses as much as possible, consistent with our legal obligations to investigate, take appropriate action, and conform to any legal discovery or disclosure obligations.

## **D. LEGAL COMPLIANCE**

The Special Programs Office has the responsibility to monitor the compliance of state and federal laws and regulations as well as District policies and procedures related to disability harassment. The Americans with Disabilities Act and Section 504 of the Rehabilitation Act Coordinator for the District is the Director of Special Programs. Parents/guardians, or the student (if 18 or over) also have the right to contact or file a complaint with the U.S Department of Education, Office of Civil Rights, Washington, DC. [www.hhs.gov/ocr](http://www.hhs.gov/ocr)

Adopted: 08/27/12

**REPORT FORM FOR REPORTS OR COMPLAINTS OF SEXUAL HARASSMENT, AND HARASSMENT BECAUSE OF RACE, NATIONAL ORIGIN, RELIGION AND DISABILITY**

Complainant: \_\_\_\_\_

Home Address: \_\_\_\_\_

\_\_\_\_\_

Work Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: \_\_\_\_\_

Work Phone: \_\_\_\_\_

Date of alleged incident(s): \_\_\_\_\_

Did the incidents involve:

sexual \_\_\_\_\_ racial \_\_\_\_\_ national origin \_\_\_\_\_ disability \_\_\_\_\_ religion \_\_\_\_\_

Name of person(s) you believe harassed you or another person:

\_\_\_\_\_

If the alleged harassment was toward another person, identify that other person

\_\_\_\_\_

Describe the incident as clearly as possible, including such things as what force, if any, was used, any verbal statements (i.e. threats, requests, demands, etc.), what, if any physical contact was involved. Attach additional pages as necessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

When and where did the incident occur?

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List any witnesses who were present:

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This complaint is based upon my honest belief that \_\_\_\_\_ has harassed me or another person. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge.

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Complainant's signature

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Date

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Received by

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Date