

SMITHTOWN CENTRAL SCHOOL DISTRICT



EMPLOYEE HANDBOOK

Neil D. Katz
Assistant Superintendent for Personnel

Created September 2017
Updated July 2025

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SECTION 1- WELCOME

SMITHTOWN CENTRAL SCHOOL DISTRICT BOARD OF EDUCATION

Matthew Gribbin, President

Kevin Craine, Vice President

Emily Cianci

Dana Fritch

Brandon Solomon

Bernadette Ackerman

Theresa Donohue

Madelyn Donaghy, Ex-Officio Student Member

Alexa Lipp, Ex-Officio Student Member

DISTRICT ADMINISTRATION

Administrative Center

26 New York Avenue

Smithtown, NY 11787

DISTRICT OFFICE ADMINISTRATION

Superintendent of Schools

Mark Secaur, Ed.D.

Assistant Superintendent for Instruction

Kevin Simmons, Ed.D.

Assistant Superintendent for Curriculum and Assessment

Mr. Paul Strader II

Assistant Superintendent for Pupil Personnel Services

Daniel Helmes

Assistant Superintendent for Personnel

Neil D. Katz

Assistant Superintendent for Finance & Operations

Andrew R. Tobin

**Smithtown Central School District
Employee Handbook Committee
2016-2017**

The Smithtown Central School District Employee Handbook was developed through a committee of District employees representing all Collective Bargaining Units. Special thanks to the following committee members for their dedication to the development of the Employee Handbook:

SSEA Clerical	Deborah Flynn
SSEA Operational	Bruce Creber
District Administration	Neil Katz
SSAA Administrators	Arlene Wild
SSGA Guards	Anthony Petrucci
ASPN Nurses	Christine Bracco
STA Teachers	Lizbeth Dooley-Zawacki

ACADEMIC DEPARTMENTS

Athletics/Physical Education/Health/Nurses

Jason Lambert, Coordinator

English Language Arts

Raina Ingoglia, Director

Family Consumer Sciences, Technology & Business Education

Christine LoFrese, Director

Fine Arts

Victoria Hartman, Director

Mathematics

Angelica Babino, Director

Pupil Personnel Services

Trisha Bernhardt, Assistant Administrator for CPSE & Special Education

Brenda Clark, Ph.D., Administrator for Special Education (K-5)

Annemarie Freund, Assistant Administrator for Special Education (9-12)

Michelle McAndrew-Mitchell, Assistant Administrator for Special Education (6-8)

Michele Russo, Assistant Administrator for Special Education (CPSE)

Kevin Colon, Administrator for Guidance and Related Services

Science

Stephanie O'Brien, Ph.D., Director

Social Studies

Charles Benvenuto, Ed.D., Director

World Languages, ESL & Library Media

Vincenza Graham, Director

OPERATIONAL SUPERVISORS & PROGRAM DIRECTORS

Accountability Director of Budgets and Educational Programs

Kellie McKeon

Chief Accountant

Annamarie Leodis

Assistant Director of Facilities

Greg Loeven

Director of Adult Education

Patricia Russo

Director of Facilities III

Daniel Leddy

Director of Technology

John Nolan

Director of Child Nutrition

Jeannette Frabizio

School Safety & Security Consultants

Donald Flynn & Raymond Rusielewicz

Purchasing Agent

Gina Klug

Transportation Supervisor

Mary Augugliaro

DISTRICT ELEMENTARY SCHOOLS

Accompsett Elementary School

1 Lincoln Street
Smithtown, New York 11787
631-382-4155

Timothy Hellmuth, Principal

Dogwood Elementary School

50 Dogwood Drive
Smithtown, New York 11787
631-382-4255

Renee Carpenter, Principal

Mills Pond Elementary School

246 Moriches Road
St. James, New York 11780
631-382-4305

Ireen Westrack, Principal

Mount Pleasant Elementary School

33 Plaisted Avenue
Smithtown, New York 11787
631-382-4355

Joseph Ierano, Principal

Smithtown Elementary School

51 Lawrence Avenue
Smithtown, New York 11787
631-382-4505

TBD, Principal

St. James Elementary School

580 Lake Avenue
St. James, New York 11780
631-382-4455

Adam Javidi, Principal

Tackan Elementary School

99 Midwood Avenue
Nesconset, New York 11767
631-382-2675

Matthew Furey, Principal

Branch Brook Elementary School

15 Ridgely Road
Smithtown, New York 11787

Nesconset Elementary School

25 Gibbs Pond Road
Nesconset, New York 11767

DISTRICT MIDDLE SCHOOLS

Accompsett Middle School

660 Meadow Road
Smithtown, New York 11787
631-382-2300

Brian Dolan, Principal
Kristen Bartnicki, Ed.D., Assistant Principal

Great Hollow Middle School

150 Southern Boulevard
Nesconset, New York 11767
631-382-2805

John Scomillio, Principal
Jonathan Macaluso, Assistant Principal
Michael Olsen, Dean of Students

Nesaquake Middle School

479 Edgewood Avenue
St. James, New York 11780
631-382-5105

Daniel McCabe, Principal
Michael Freiberg, Ed.D., Assistant Principal

DISTRICT HIGH SCHOOLS

Smithtown High School East

10 School Street
Saint James, New York 11780
Main Office: 631-382-2705

Paul McNeil, Principal
Jason Pettis, Assistant Principal
Peter Russo, Assistant Principal
Nicole Stech, Assistant Principal

Smithtown High School West

100 Central Road
Smithtown, New York 11787
Main Office: 631-382-2905

William Holl, Principal
Scott Johnson, Assistant Principal
Kristen Schnall, Assistant Principal
Derek Solomon, Assistant Principal

EMPLOYMENT DISCLAIMER

This Handbook does not constitute a contract for employment for any period of time but merely sets forth a brief summary of some of the policies, procedures, expectations and benefits in effect on the date it was issued. This Handbook is not intended to be all encompassing. There is no promise of any kind in this Handbook, and the District may amend it from time to time without prior notice to employees. Certain rights and protections are provided in various provisions of State Law, including New York Education Law and/or Civil Service Law. The policies contained within do not expand or diminish those rights with respect to insurance and other benefits, the terms of the insurance policy, collective bargaining agreement or benefit plan supersedes any statements contained in this Handbook. Where there is a conflict between an explicit provision of this Handbook and a Collective Bargaining Agreement, the Collective Bargaining Agreement will prevail. Additional policies and procedures specific to particular job classifications may be added as needed.

Nothing in this Handbook, or any other communication by the District, oral or written, is intended to create, or is to be construed in any way to create, a contract of employment, express or implied, between the District and any of its employees. Please understand that no supervisor, manager, or representative of the District other than the Superintendent of Schools has the authority to enter into any agreement with you for employment for any specified period of time or to make any promises or commitments contrary to the foregoing. Furthermore, any employment agreement entered into by the Superintendent of Schools will not be enforceable unless it is in writing and ratified by the Board of Education.

INTRODUCTION

Dear Colleagues,

We are pleased to provide you with this Handbook and hope it will become a useful reference. The Smithtown Central School District Employee Handbook is intended to be a guide, as it may not cover all aspects of workplace policies, procedures, expectations and benefits. Moreover, as laws and regulations change, the Employee Handbook will require updates. Employees are encouraged to also refer to their specific collective bargaining agreement and consult with direct supervisors to obtain clear guidelines for day-to-day issues that arise in a school setting. We ask that you take the time to review the contents of this document carefully, and to speak with your principal or supervisor regarding any areas about which you have concerns or questions.

District employees are encouraged to take the contents of this handbook seriously – and be assured that we take it seriously as well, as we view it as an effort to define shared understandings and requirements about professional standards and conduct. Suggestions and ideas for items to be added to future versions of the Smithtown Central School District Employee Handbook should be discussed with your immediate supervisor and submitted to Neil D. Katz, Assistant Superintendent for Personnel.

Thank you for your commitment to the children and families of our school community. We look forward to working with you throughout the coming year.

Respectfully,

The Smithtown Central School District Handbook Committee

Note: In the event of any inconsistencies, language in a collective bargaining agreement, insurance policy, benefit plan or State or federal law supersedes language in this Handbook.

Dear Colleague,

Congratulations! On behalf of the Board of Education, members of the Administrative Cabinet and your fellow employees, I am pleased to welcome you to the Smithtown Central School District. I hope that you embrace all of the satisfaction that comes from a career in public education.

A dedicated committee worked together to develop this Handbook in order to describe the expectations the District has for all employees. The team has outlined the policies, programs, and benefits that are available to eligible employees. You should familiarize yourself with the contents of the Employee Handbook and refer to it as necessary throughout the year.

The administrative team and I believe that every employee contributes directly to the District's ability to provide the best education possible to the children we serve. We hope that you will take pride in being a member of our organization and that your experience with the District will be challenging, enjoyable, and rewarding.

Feel free to contact me with any questions you may have regarding the information contained in the Handbook. Again, welcome to the Smithtown Central School District!

Respectfully,

Neil D. Katz
Assistant Superintendent for Personnel

SMITHTOWN CENTRAL SCHOOL DISTRICT 2025—2026

September 2025 (19+2)

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

October 2025 (21)

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

November 2025 (15+1)

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30						

December 2025 (17)

S	M	T	W	T	F	S
	1	2	3*	4**	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

January 2026 (19)

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

August	27-28	Supt. Conference Days—No Students
September	1	Labor Day
	2	First Day of School
	23-24	Rosh Hashanah
October	2	Yom Kippur
	13	Columbus Day
November	4	Supt. Conf. Day—No Students
	11	Veterans Day
	26-28	Thanksgiving Recess
December	24-31	Winter Recess
January	1-2	Winter Recess
	19	Martin Luther King Jr. Day
February	16-20	President's Day and Mid-Winter Recess
	17	Lunar New Year
April	2-10	Spring Recess
May	22-25	Memorial Day
June	19	Juneteenth
	25	Last Day of School
	26	Supt. Conference Day—No Students

February 2026 (15)

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28

March 2026 (22)

S	M	T	W	T	F	S
1	2	3	4*	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

April 2026 (15)

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

May 2026 (19)

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

June 2026 (18+1)

S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24*	25*	26	27
28	29	30				

Up to 3 Emergency Closings
No Change to Calendar

4+ Closings, Schools will physically be closed. Learning opportunities will be delivered in accordance with our Emergency Remote Instruction Plan which can be located on our district website

Superintendent's Conference Day

School Closed

Elementary Teacher Conferences

* 1/2 Day for Elementary Students

** No School for Elementary Students

Equivalent of 180 Student Days + 4 Staff Conferences

This Calendar was approved by the Board of Education on: 1/28/25

OUR MISSION (Strategic Plan-Smithtown 2027)

The Smithtown Central School District provides a safe, supportive, and stimulating environment for students to learn, where all are valued. We are committed to educating well-rounded, lifelong learners who are compassionate, responsible, ethical members of society.

OUR VISION (Strategic Plan-Smithtown 2027)

Smithtown Central School District's vision is to support each child in developing the fundamental academic and life skills needed to reach their maximum potential. The district's goal is to encourage a love of learning in students while fostering confidence, integrity, respect for others, and a sense of purpose and belonging.

SECTION 2-EMPLOYMENT PRACTICES

ANNUAL PROFESSIONAL PERFORMANCE REVIEWS

All employees will receive an Annual Professional Performance Review (APPR) or an Annual Performance Review (APR) at the end of each year that may be rubric and narrative based. Annual reviews will be conducted by administrators and/or the employee's direct supervisor(s) and sent to the Office of Personnel Services to be placed in the employee's personnel file. Employees are entitled to write responses to any review. This response will be attached to the APPR/APR and placed in the personnel file. For clarification purposes, employees should consult with the building principal with questions regarding their annual evaluation.

ASBESTOS NOTIFICATION PROCEDURES

The District's ongoing asbestos program complies with the Federal Asbestos Hazard Emergency Response Act (AHERA) which may result in asbestos abatement projects.

The District completes surveys of all the buildings and follows the surveillance requirements under the regulations of AHERA. This, combined with the District's ongoing maintenance program, has produced a list of operation and maintenance repairs on a districtwide basis. A summary of these repairs is included in each building's management plan. Any individual may review a building's management plan by going to the school's main office and requesting it. Copies of all the schools' management plans are available for review at the Office of District Facilities.

BLOODBORNE PATHOGENS

Employees in certain job classifications are often identified as having potential risk of exposure to blood borne pathogens in the course of fulfilling their job requirements. These employees have job assignments with potentially greater exposure to blood borne pathogens. These job assignments include, but are not limited to, care of minor injuries, initial care of injuries that require medical or dental assistance, care of students with special medical needs, care of students who need assistance in daily living skills, care of an injured student, care of an injured person during a sports activity and cleaning tasks associated with body fluids. Universal precautions shall be observed in order to prevent contact with blood or other potentially infectious materials. The District Universal Precautions Policy states that all employees, regardless of title, will apply the Principle of Universal Precautions for the prevention of exposure to Blood Borne Pathogens. There is an Exposure Control Plan in place in compliance with the requirements of OSHA Blood-borne Pathogens Standard, Title 29 Code of Federal Regulations 1910.1030. A copy of the Exposure Control Plan is maintained in the Office of the Assistant Superintendent for Finance, Director of Plant and Facilities, Assistant Facilities Director, Athletic Director and the Health Office of each building. All new employees are required to view the Bloodborne Pathogens video tutorial through their [GCN account](#). Universal precautions should be taken by all employees. Please see your direct supervisor with specific questions or concerns regarding universal precautions or the Exposure Control Plan.

BOMB THREAT PROCEDURES

All employees are required to review the District's Emergency Management Plan for additional information on various emergency situations. The person receiving a bomb threat via phone should try to get as much information as possible including:

1. Write down all information and answers to questions
2. Where, specifically, is a bomb located?
3. When, exactly, is the bomb set to go off?
4. What materials are in the bomb?
5. Who is the caller?
6. Listen for identifying speech characteristics.

Follow information as outlined in the building and District plan.

BUILDING AND DISTRICT LEVEL COMMUNICATION

Employees experiencing building or District level concerns are expected to bring forth these concerns in an appropriate manner to the immediate supervisor or administrator for resolution. Appropriate chain of command should be exhausted prior to sharing, communicating or seeking resolution from the next level of administration. Please review BOE policy #2700 for additional information.

CERTIFICATION STATUS

Certified staff members are expected to maintain a current certification for all required positions. Knowledge of certification status, expiration dates, grade-levels, etc. is the responsibility of the certified staff member. Failure to maintain a current certification may impact the employee's status with the District. Teachers and administrators are reminded to review and utilize the NYS-TEACH system for certification and personal profile updates as necessary. Certain certified staff members are also required to register with TEACH every five years. A valid registration is necessary to remain in compliance with NYSED requirements. Additional information can be located on the [TEACH](#) website and at the CTLE Information [website](#).

CHILD ABUSE REPORTING

Please review Board of Education Policies #5460 and #5465 located in the Appendix.

Mandated reporters, including teachers and other school officials, must make a report of suspected child abuse or maltreatment as soon as they have reasonable cause to know or suspect it; failure to report is punishable as a misdemeanor. Child Protective Services Hotline: 1-800-342-3720.

Those school employees who are mandated reporters regarding child abuse and neglect must act accordingly. Any school employee who is aware of or suspects that a child's health or welfare has been or appears to have been harmed as a result of child abuse or neglect, has a legal responsibility and duty to report the case in accordance with school procedures. Child Protective Services reports must be made first hand and are no longer the sole responsibility of the Social Worker, Nurse or Principal of the school. If you have any questions regarding your responsibilities or role, you must contact your immediate supervisor for assistance.

COMPLAINTS OF DISCRIMINATION

The Smithtown Central School District does not discriminate on the basis of any protected status. It is the intent of the District to comply with the law in making certain discrimination does not exist in its policies, regulations and operations.

Each member of District administration is responsible for creating an atmosphere free of discrimination. Furthermore, employees are responsible for respecting the rights of their co-workers. If you experience any unlawful job-related discrimination or harassment based on your actual or perceived race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, gender (including gender identity and expression), pregnancy, disability, marital status, veteran status, predisposing genetic characteristic or carrier status, reproductive health decisions or domestic violence victim status or any other status protected by applicable law or if you believe you have been treated in an unlawful, discriminatory manner or have been unlawfully harassed, promptly report the incident to your supervisor.

If you believe it would be inappropriate to discuss the matter with your supervisor, report it directly to the Assistant Superintendent for Personnel or the Assistant Superintendent for Pupil Personnel Services. Once made aware of your complaint, the Smithtown Central School District is committed to commence an immediate, thorough investigation of the allegations. Your complaint will be kept confidential to the extent possible consistent with the District's obligation to conduct a thorough investigation.

If, at the completion of the investigation, the Smithtown Central School District determines that an employee is guilty of discriminatory or harassing behavior, appropriate disciplinary action may be taken against the offending employee. The Smithtown Central School District prohibits any form of retaliation against any employee for filing a bona fide complaint under this policy or for assisting in the complaint investigation. Furthermore, employees are encouraged to review the following Board of Education policies and information regarding discrimination and harassment:

- Policy #0100-Equal Opportunity, Nondiscrimination and Anti-Harassment
- Policy #0110-Policy Against Discrimination and Harassment
- Policy #0110.1-Policy Against Workplace Sexual Harassment

Although these policies can be located on the District website under BOE Policies and the Personnel section, employees are asked to review their collective bargaining agreement for more detailed information regarding discrimination in the workplace.

CONTACT WITH THE MEDIA

As per Board of Education Policy #1130, the Superintendent of Schools is responsible for coordinating all internal and external communications regarding school related situations. When necessary and appropriate, the Superintendent will provide accurate information as soon as possible to parents, students, school employees, and media personnel. Only the Superintendent of Schools or his/her designee may speak on behalf of the District with representatives of the media during a crisis situation. It should also be noted that communication might be limited, restricted, or controlled by law enforcement agencies in many emergencies for a variety of reasons.

COURSE APPROVALS

The District encourages all staff members to participate in ongoing professional development as part of their individual growth as educators. Instructional staff members must submit requests for course approval and/or conferences through Frontline-Professional Growth (formerly MLP). All requests are electronically forwarded to the building administrator, department administrator, Assistant Superintendent for Personnel, Assistant Superintendent for Curriculum and Assessment or the Assistant Superintendent for Instruction and Administration for final approval. Teachers should consider obtaining prior approval for coursework to be used

for salary advancement prior to registering. Furthermore, please note that prior approval is required for certain courses. All District required paperwork must be submitted in a timely fashion as part of the approval process.

CRISIS TEAM PROCEDURES

In the event of a crisis situation, a building level crisis team will be activated and will follow procedures outlined in the building safety plan and the District Emergency Management Plan. Employees are expected to remain calm and professional while placing the health and safety of the children as a top priority. Examples of crisis situations covered in the plans include a bomb threat, an intruder or trespasser, a hostage situation, a fire, medical emergency and a hazardous material spill. However, these are merely a few examples as many situations can turn into crisis situations without warning.

EMPLOYEE CATEGORIES

This section is intended to provide guidance and an overview of various employment categories. However, all bargaining unit employees are encouraged to review their collective bargaining agreement for more detailed job descriptions and categories and all other staff are encouraged to review their Employment Benefits Schedule.

Regular Full-Time Employee: An employee who is regularly scheduled to work a minimum number of hours per week as described in the Collective Bargaining Agreements. Full time employees may be considered eligible for all employee benefits as stated in their respective Collective Bargaining Agreement.

Regular Part-Time Employee: An employee who is regularly scheduled to work less than 20 hours per week. Unless otherwise specified in the Collective Bargaining Agreement or required by law, regular part-time employees are not eligible for employee benefits.

Non-Exempt and Exempt Employee: The Federal Fair Labor Standards Act classifies employees as either non-exempt or exempt for the purpose of minimum wage and overtime requirements. Under Federal law, non-exempt employees are entitled to minimum wage and, if they work more than 40 hours in a work-week, overtime. Your job duties determine whether you are exempt or non-exempt. Generally, hourly employees are non-exempt employees and salaried administrators, teachers and nurses are exempt. Employees are encouraged to review their specific collective bargaining agreements for information on wage requirements and overtime eligibility.

EMPLOYMENT OF RELATIVES

As per Board of Education Policy #9120.1, the criteria for employment with the Smithtown Central School District are appropriate job-related skills, experience and qualifications. Marriage and family relationships constitute neither an advantage nor a disadvantage in consideration for employment. No individual, however, will be hired into a position that is directly supervised by a relative or member of the same household who has or may have a direct effect on the individual's progress or performance. The term "relative" includes, but is not limited to: mother, father, spouse, siblings, children, etc.

EMPLOYMENT OPPORTUNITIES

Employees are encouraged to explore career development opportunities at the District. All employees are encouraged to gain the necessary skills, training and work experience needed to qualify for advancement

opportunities. The District believes in internal staff development and promotion from within, whenever practicable. In all cases, the most-qualified candidate for the position will be selected as determined by the hiring committee's recommendation to the Superintendent of Schools and the Superintendent's recommendation to the Board of Education. Hiring preference may be given to District employees for promotions where the qualifications of a District employee applicant and a non-district employee applicant are substantially equal. Available positions will be announced through various means including but limited to: internal postings, placement on the District website, OLAS, social media, etc. In order to be considered for a position, employees must apply prior to the application deadline as specified on the announcement.

EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

The Smithtown Central School District provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, gender (including gender identity and expression), pregnancy, disability, military status, veteran status, predisposing genetic characteristic or carrier status, or any other status protected by applicable law in accordance with applicable federal, state and local laws. The Smithtown Central School District complies with applicable state and local laws prohibiting unlawful discrimination in employment in every location in which the District has facilities and throughout the course of employment. This policy applies to all terms and conditions of employment, including, but not limited to, hiring, placement, promotion, termination, layoff, recall, transfer, leaves of absence, compensation, and training. The Smithtown Central School District expressly prohibits any form of unlawful employee harassment based on race, color, religion, gender, sexual orientation, national origin, age, disability, or veteran status or any other status protected by applicable law. Improper interference with the ability of Smithtown Central School District employees to perform their expected job duties is not tolerated. Please refer to Board of Education Policy #0100 for additional information.

EXIT INTERVIEWS

Employees separating from district employment may participate in exit interviews. Exit interviews may be scheduled with the Assistant Superintendent for Personnel or the employee's direct supervisor. Employees are encouraged to provide candid comments and suggestions that may help to improve future district/employee relations and ultimately make the district a better place to work. Employee comments will be reviewed confidentially with the Superintendent of Schools. When an in-person exit interview is not possible, the Office of Personnel may conduct a remote interview, email or mail an Exit Interview Survey Form to the departing employee. Responding to Exit Survey information is voluntary and is only used to improve our organization.

NURSING MOTHERS

In accordance with BOE Policy #9520.6, the District will provide reasonable paid and unpaid break time or meal time each day to allow an employee to express breast milk for their nursing child for up to three years following childbirth. The District will make reasonable efforts to provide a room or other location in close proximity to the work area where the nursing mother can express milk in privacy.

SEPARATION FROM DISTRICT SERVICE

Employees who voluntarily resign from the Smithtown Central School District are asked to provide advance notice of their resignation. Instructional staff members (teachers and administrators) are required to provide at least 30 days notification of their separation from the district. This notice must be in writing and should briefly state the reason for leaving and the anticipated last day of work. If a terminating employee is eligible for any incentive compensation, awards, etc. they must be actively employed on the date the compensation, award,

etc. are presented or paid, in order to receive such compensation/recognition. District employees are encouraged to review their Collective Bargaining Agreement or Employment Benefits Schedule for separation notification and information.

As a common courtesy, employees are encouraged to notify the District as soon as practicable when the decision has been made to resign from employment with the District. Employees are required to submit a signed copy of their resignation in writing to the immediate supervisor and addressed to the Superintendent of Schools. The direct supervisor will forward a copy of the letter of resignation to the Office of Personnel Services for processing and appropriate record keeping. Employees separating services should remain mindful that access to district information including but not limited to: Google Drive, email, WinCap Web, Frontline, etc. will be removed with the effective date of separation.

SEXUAL HARASSMENT OF STAFF

All District employees and students have the right to work and go to school in an environment free from all forms of illegal discrimination and conduct which can be considered illegally harassing, coercive, or disruptive. Illegal behavior that harms, targets or negatively impacts the school or work culture will not be tolerated.

According to BOE Policy #0110.1, sexual harassment is a form of sex discrimination and is unlawful pursuant to federal, State and (where applicable) local law. Sexual harassment includes harassment or discrimination on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender. "Sexual harassment" includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct and/or other verbal or physical aggression, intimidation or hostility that is based on a perceived gender and sexual stereotypes. Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender identity, gender expression or transgender status when:

- the conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual's employment.

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

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

Any employee who believes he or she has been subjected to prohibited harassment should immediately file a complaint in accordance with the procedures outlined in Board of Education Policy #0110.1 Policy Against Workplace Sexual Harassment. The District will promptly investigate all complaints of harassment. The District also strongly opposes any retaliatory behavior against complainants or any witnesses or anyone participating in an investigation.

Upon a finding of unlawful sexual harassment, corrective action may be taken. In the absence of a victim's complaint, the District, upon learning of, or having a reasonable basis to suspect, the occurrence of sexual harassment, will cause an investigation to be promptly commenced by appropriate individuals. Formal complaints should be recorded on forms and are part of the Board of Education Policy #0110.1 Policy Against Workplace Sexual Harassment.

The Superintendent of Schools and/or the Assistant Superintendent for Personnel will oversee the implementation of procedures on reporting, investigating and remedying allegations of sexual harassment.

SEXUAL AND OTHER FORMS OF HARASSMENT OF STUDENTS

Sexual harassment of students is illegal. Therefore, the Smithtown Central School District Board of Education condemns all sexual harassment and further forbids all employees from engaging in such activity. The Board also strongly opposes any retaliatory behavior against complainants or any witnesses or anyone who participates in an investigation. Employees are expected to review the sexual harassment information in the section above as it also applies to that of students. Employees are also reminded to review the information related to Student Harassment, Discrimination, Hazing and Bullying Prevention and Intervention in BOE Policy #0115.

STUDENT DISCIPLINE

Classroom management is primarily the responsibility of the classroom teacher. Firm, fair rules that are consistently followed will deter student misbehavior. Staff members are all expected to follow building and district policies and procedures when handling student discipline. Be sure to review building and department handbooks regarding the specifics of student discipline.

Please review the District Code of Conduct Policy 5300 in the Appendix or the complete District Code of Conduct on the District website.

USE OF SCHOOL MATERIALS

All district owned items are expected to remain on district property unless authorized to be removed by a supervisor. Employees are expected to use all equipment appropriately and to use care during operation. School materials are intended for district use only. Furthermore, district resources are not intended for personal use unless otherwise authorized by the Superintendent of Schools.

WEATHER/EMERGENCY CLOSINGS

- The Superintendent of Schools will make the decision to cancel school.
- Messages will be posted on the District website (www.smithtown.k12.ny.us), local television stations and sent to local radio stations.
- Automated phone messages will go out to all staff whenever possible.
- Employees are asked to not contact the buildings directly.

- Employees are expected to review their collective bargaining agreement provisions related to weather and emergency closings to determine whether they must report for the day.

Employees are reminded that all staff members are responsible for the safety of the students of the Smithtown Central School District. If schools are on a delayed opening, employees are expected to arrive at work as close to their regularly scheduled time as possible unless otherwise noted. All district employees are encouraged to plan in advance for snow or other emergency related days. Contingency plans should be in place well in advance in the event of an early release or delayed opening.

Emergency conditions, such as severe weather and power outages, may cause the school district or an individual building to close temporarily. If necessary, employees will be notified as soon as possible when such closings occur. District employees are responsible for keeping their supervisors updated with changes to telephone contact information in order to obtain information appropriately.

All hourly employees (PT and FT) will adhere to the following information regarding delayed openings and/or early closings:

- PT hourly and FT employees are expected to report to work and may be entitled to work their regular number of hours in the event of a delayed opening or an early release. Additional information will be provided through the administrative and supervisory staff.
- Upon the approval of a supervisor, hourly employees may be eligible to stay later than their normal shift ending time to complete the regular number of hours if they desire during delayed openings.
- Hourly employees will only be compensated for the time actually worked due to a late arrival or an early closing unless otherwise noted or indicated through the collective bargaining agreement.
- Afternoon shift part-time staff members (aides, monitors, greeters, etc.) are expected to report at their regularly scheduled time in the event of a late opening. Alternate arrangements may be presented on a situational basis.

WORKERS' COMPENSATION

All employees are covered by Workers' Compensation insurance for work-related accidents, injuries and illnesses while working at the Smithtown Central School District. Workers' Compensation insurance is a statutory benefit provided and funded by the district. The employee is required to immediately notify his/her direct supervisor of any injuries or illnesses sustained while on the job at Smithtown Central School District; in the absence of the direct supervisor, the employee must notify the Office of Personnel Services and the Benefits Office. The supervisor will notify the benefits office representative. The Smithtown Central School District encourages injured employees to seek immediate medical attention. Medical expenses related to the treatment of an injury, sustained on the job, are generally paid directly by Workers' Compensation to medical providers. After a specified waiting period, employees may also be eligible for payment for lost wages, as set forth by state law and as determined by the Workers' Compensation Board, where necessary.

A separate insurance company administers the Workers' Compensation plan. Your benefits office representative will notify the insurance company of your injury following your notifying your direct supervisor

of the injury. A representative of the administering company will contact you. Your benefits office representative will provide information on the current company administering this plan to you. Additional information on Workers' Compensation is available by contacting the Benefits Office at 631-382-2175.

WORKPLACE VIOLENCE PREVENTION

The Smithtown Central School District is committed to the safety and security of our employees. Workplace violence presents a serious threat to the safety of our staff and students. Workplace Violence is defined as any physical assault or act of aggressive behavior occurring where a public employee performs any work-related duty in the course of their employment. Workplace violence includes but is not limited to:

- Any verbal or physical attempt or threat to inflict physical injury upon an employee.
- Any intentional display of force which gives an employee reason to fear or expect bodily harm.
- Any intentional, wrongful and non-consensual physical contact with a person that causes injury.
- Stalking an employee to cause fear of harm to an employee's physical safety and health.

Acts of violence against Smithtown Central School District employees where any work-related duty is performed will be thoroughly investigated and appropriate action will be taken. All employees are responsible: for creating an environment of mutual respect for each other following all workplace policies, procedures and practices; and for assisting in maintaining a safe and secure work environment. Additional information can be found [HERE](#).

SECTION 3-BENEFITS

CANCER SCREENING

The Smithtown Central School District allows an excused leave for up to 4 hours annually for the purpose of cancer screening. The leave time will be considered paid time and will not be deducted from sick, personal or other accrued time off. Employees must provide documentation by use of the [District Cancer Screening form](#) and must include the original signature of the appropriate personnel at the screening facility. Requests for screening time must be submitted in advance to the employee's supervisor and approved, unless there is an emergency situation. The leave is not cumulative, expires at the end of the calendar year and is not eligible for payout upon separation from service. Questions regarding the appropriate use of this time should be directed to the employee's immediate supervisor.

COBRA

Federal law requires that most group health plans give employees and their families the opportunity to continue their health care coverage when there is a "qualifying event" that would result in a loss of coverage under an employer's plan. In the case of a loss of coverage due to end of employment or reduction in hours of employment, coverage generally may be continued for up to a total of 18 months at the employee's or qualified beneficiaries' expense. Specific questions or requests for more information should be directed to the Office of Employee Benefits.

GROUP INSURANCE

Full-time regular employees may be eligible for various group benefit plans in the areas of: Health (major medical and hospitalization), Dental, Life Insurance, etc. The Smithtown Central School District pays a portion of the premiums for the group benefits, with the employee sharing the balance of the cost via bi-weekly payroll deductions. In addition, the district participates in the Flexible Benefits Program and offers AFLAC enrollment to our employees. Employees may also have an option to waive health insurance and enroll in the Health Waiver/Buyback Plan. There is an open enrollment period each year for all programs. Responding and applying for various plans is the responsibility of the employee.

Benefits are determined in accordance with each Collective Bargaining Agreement for employees covered by a bargaining unit and an Employment Benefits Schedule for all other employees. Individual or family plans are available for the eligible employee and eligible dependent(s). Proof of the dependents' identity is required for enrollment in any family plan. Specific waiting periods and coverage provisions may apply by the Plan Administrator for any of the above-mentioned programs. Additional benefit items may be available through the employee's bargaining unit or other organizations.

New employees are required to complete and return all benefit applications immediately upon their initial hire. There is an established first eligibility date depending on the Bargaining Unit and date of hire. For further information regarding group insurance contact the Office of Employee Benefits at 631-382-2175.

NYS 457 DEFERRED COMPENSATION PLAN

Certain members of the District may elect to participate in a 457 deferred compensation plan as an additional means of financial savings through payroll deduction. Employees should consult the Payroll Department and their individual financial advisor for specific information and applicability of participation in this plan as

contribution limits may change. Please contact Barbara Sce, Account Executive at NYS Deferred Compensation (1-800-422-8463) for additional information.

RETIREMENT SAVINGS PLAN (403B)

All Smithtown Central School District employees have the opportunity to participate in a tax-sheltered annuity plan that allows employees to save a portion of their compensation for retirement. Employees are encouraged to review their Collective Bargaining Agreement or Employment Benefits Schedule (for employees not covered by a collective bargaining agreement) and visit www.omni403b.com for additional information and resources about program participation. More information is available through the Payroll Department.

SHORT TERM DISABILITY

Short Term Disability may be available through an employee's bargaining unit and the Employment Benefits Schedule for all other employees. Employees are asked to consult with their Unit President on the specifics of this benefit and with the Office of Personnel Services for employees covered by an Employment Benefits Schedule.

41-J ADOPTION

Employees of the Smithtown Central School District who are members of the New York State Employees' Retirement System are covered by Section 41-J. Section 41-J allows for up to an additional 165 days of credit (7 ½ months) for unused unpaid sick time. This additional credit in time may result in a small increase to the employee's retirement benefit. However, the additional credit cannot be used to meet eligibility requirements for retirement or for an improved benefit. The Smithtown School Employees Association (SSEA) contract and the Association of Smithtown Professional Nurses (ASPN) contracts allow employees to apply a portion of their monetary value of unused sick time to their health insurance premiums after retirement.

SECTION 4-TIME OFF

ABSENCE MANAGEMENT-FRONTLINE (Formerly AESOP)

Teachers and other assigned employees are required to use the Frontline Absence Management (formerly Aesop) online substitute service system to report their attendance. Employees are responsible for their own attendance reporting and should not share their log-in information or PIN with anyone other than a supervising administrator (if necessary). Staff members using Absence Management should be mindful that it may not provide an up-to-date report of time accruals as it is not being used as an attendance calculation system. Please contact the Office of Personnel Services with questions or concerns on the use of this attendance system.

BEREAVEMENT DAYS

District employees may be entitled to bereavement time based on the information contained in their specific Collective Bargaining Agreement or Employment Benefits Schedule.

FAMILY & MEDICAL LEAVE ACT (FMLA) LEAVE

The Family and Medical Leave Act of 1993 gives “eligible” employees of the District the right to take leave for a period of twelve (12) work weeks in a twelve month period as determined by the District. Eligible employees must have worked a minimum of 1250 hours in the previous 12-month period. District employees will be placed on FMLA as early as the District is notified of an extended absence or a pending extended absence, or an intermittent absence due to: the birth or adoption of an infant, care of an infant child, care for a spouse, child or parent with a “serious health condition” or to care for their own serious health condition. FMLA leave may also be available for any qualifying exigency arising out of active duty or a call to active duty status of the employee, a spouse, son, daughter or parent, or for military caregiver leave. Additional information is available through the [Office of Personnel Services website](#) and in the FMLA information packet. Employees are expected to notify the Office for Personnel Services as soon as possible when they will be absent from work for an extended period of time and will receive a website link to submit all FMLA requests electronically.

HOLIDAYS

The Smithtown Central School District recognizes the holidays as outlined in each Collective Bargaining Agreement or Employment Benefits Schedule and as noted on the school district calendar. When a holiday falls on a weekend, the Smithtown Central School District may designate the Friday preceding or the Monday following as the observed holiday at the discretion of the district and State and Federal law and regulations. District employees are paid for the stated holidays as detailed in their Collective Bargaining Agreement or Employment Benefits Schedule. The district reserves the right to modify the calendar as necessary.

JURY DUTY

The Smithtown Central School District supports employees called to fulfill their civic responsibility to serve jury duty. Employees must provide their immediate supervisor with a copy of the jury summons upon receipt of such summons. This will allow the district to plan for employee absences. Adequate proof of service must be provided during an absence for jury duty. Upon returning to work, employees must provide their immediate supervisor and the Office of Personnel Services with the original verification of service from the court indicating the number of days served on the jury and any additional information required by the district related to this absence. Employees should consult their Collective Bargaining Agreement or Employment Benefits Schedule regarding continuation of salary while on leave. Employees that receive their regular pay

from the district while on Federal jury duty are expected to remit the \$40 per day received from the government to the district.

LEAVE OF ABSENCE-UNPAID

Employees should consult their Collective Bargaining Agreement or Employment Benefits Schedule to determine whether they may be eligible for a leave of absence without pay. Leave requests and requests for extensions of leave must be submitted in writing to the Assistant Superintendent for Personnel and must be accompanied by supporting documentation. The Office of Personnel Services will provide employees with benefit-related information during the leave. If an employee wishes to continue benefits, they must be coordinated directly with the Benefits Office through the Office of Personnel Services.

Following any medical leave of absence, employees must supply a doctor's report or medical note showing they are cleared to return to work and able to resume the essential functions of their job. Employees not returning from a medical leave when scheduled without the agreement of Smithtown Central School District may be considered to have abandoned their position. The Superintendent of Schools or his/her designee will make a final decision on each leave request.

MILITARY LEAVE

Military leaves are governed by Federal and State law and applicable regulations and District Policy #9520.3. Where reasonably possible, employees must give advance notice in accordance with Policy 9520.3 that they will be taking a military leave of absence.

PERSONAL & FAMILY DAYS

District employees may be entitled to personal and/or family days if applicable as specified within the employee's Collective Bargaining Agreement or Employment Benefits Schedule. Personal days may only be used for reasons defined in your collective bargaining agreement or Employment Benefits Schedule and must be requested in advance via Absence Management, on the appropriate Personal Day Request form or by use of the [WinCap Web ESS](#) system if applicable.

SICK DAYS

The Smithtown Central School District may provide paid sick time based on the provisions of each Collective Bargaining Agreement or Employment Benefits Schedule. Sick leave may be taken only when an employee is unable to be present for work due to illness or other medical related circumstances. The Smithtown Central School District may request that the employee furnish a doctor's note or other reasonable proof when absent for multiple consecutive days or when circumstances warrant according to the Collective Bargaining Agreement or Employment Benefits Schedule.

Sick days are provided for illness of the employee or for illness in the immediate family where permitted by a Collective Bargaining Agreement or Employment Benefits Schedule. Employees should use their personal days or vacation days for non-illness related time off. Sick days may be accumulated and carried over from year to year if permitted by each Collective Bargaining Agreement or Employment Benefits Schedule. Employees may be required at any time to submit to a medical examination to determine their physical or mental capacity to fulfill their duties.

SICK LEAVE BANK-LEAVE FOR EXTENDED ILLNESS

Specific unit members may request access to the sick leave bank after they have exhausted all accumulated sick time. All sick bank requests must be submitted in a timely fashion to the Office of Personnel Services. Requests will be considered by the Superintendent of School or his/her designee in conjunction with the applicable unit, utilizing the procedures set forth in the related Collective Bargaining Agreement.

UNEXCUSED ABSENCES

Any employee who is absent without notice to the district may be informed that they are absent without approval from their assignment. Such absences without proper notification may result in the district moving forward with a disciplinary process leading up to termination.

VACATION

Full-time employees with benefits should consult their Collective Bargaining Agreement or Employment Benefits Schedule to determine whether they are entitled to paid vacation and the procedures for requesting to use vacation days, which include obtaining the permission of the direct supervisor and/or Superintendent of Schools prior to taking vacation days. Employees may not take unpaid time off for vacation purposes unless otherwise approved by the Superintendent of Schools.

SECTION 5-PAY PRACTICES

ATTENDANCE

All staff members are expected to maintain an accurate and up-to-date record of their own attendance throughout the school year and can review attendance information via the [WinCap Web site](#). Employees may be asked to submit verification of attendance and submit accurate records of hours and days worked and records of absence.

Employees are expected to arrive at work before they are scheduled to start and be at their work location ready to productively engage in District business at the scheduled start time. All time off must be requested in advance and submitted in writing with the exception of daily sick leave or as otherwise noted in the employee's Collective Bargaining Agreement or Employment Benefits Schedule. The Smithtown Central School District views attendance as one of the most important parts of the employee's Annual Performance Review. Unapproved absences may be noted in the employee's personnel file.

Certain assigned staff will use Absence Management for attendance reporting purposes including those who may not require substitute coverage. Absence Management provides employees with the ability to review their full and half-day absences via a web-based system. District employees are able to access Absence Management via the Internet or telephone system 24 hours a day, 7 days a week.

Employees using the Frontline Absence Management system will receive a personal invitation email with the subject line: **Smithtown Central School District invites you to Absence Management**. If you have an existing Frontline ID account click "Sign in with your Frontline ID." Otherwise, click "Create a Frontline ID." Enter a username, password, email address, and click "I accept the terms and conditions." Then click "Create Frontline ID" to gain access.

Access to the Frontline can be obtained at: <https://app.frontlineeducation.com>

Employees may also access the Frontline phone system, toll-free at **1-800-942-3767**. Simply follow the voice menu. It is recommended that you call in and press Option 5 to check the computer recording of your name. Your ID and PIN for dial-in access will be emailed to you.

Note: You are NOT required to create a Frontline ID for dial-in access (you automatically have dial-in access). However, to access the website, you must create a Frontline ID via your personal invitation email.

ABSENCE PROCEDURES FOR PART-TIME STAFF

Please understand the importance of demonstrating a positive attendance pattern and the importance it plays in providing quality instructional programs for our students. As employees of the Smithtown Central School District, we are all role models for young people and want to reinforce how their attendance ultimately will impact their overall achievement in school. If you are not using the Absence Management System, you are expected to notify your direct supervisor as far in advance as practicable in order to secure the necessary coverage when you must be absent from your assignment. Aides may not coordinate their own coverage without the advance approval of a direct supervisor.

ABSENCE PROCEDURES FOR FT CLERICAL & OPERATIONAL STAFF

FT clerical employees will continue to report their attendance through each specific office location and contact their immediate supervisor and/or office location as soon as practicable. As part of an overall professional responsibility, early notification is expected when absences are planned in advance in order to allow for appropriate coverage as necessary. Certain members of the operational units and supervisors are expected to continue to report their attendance to their administrator, direct supervisor or through the WinCap Web Employee Self-Serve Time Requests. Custodial workers, maintenance employees and school nurses remain active on the Absence Management System.

ABSENCE PROCEDURES FOR TEACHERS

Teachers in need of substitute coverage are required to utilize the Absence Management system. The substitute system is available 24 hours a day. It is essential for employees to input absences into Absence Management as early as possible, preferably well in advance of the anticipated absence whenever possible. If experiencing problems with Absence Management online, employees can also use the telephone system to record absences.

Unusual circumstances that create emergency and/or extended absences may be reported to your building administrator. Teachers may not make their own arrangements for specific substitutes. In order to avoid confusion, building administrators and academic directors will coordinate special arrangements for requested coverage with the Office of Personnel Services. Please be reminded this is only an option for extenuating circumstances.

Teachers are encouraged to upload sub plans to the Absence Management system when absences are known in advance. If unable to do so, arrangements should be made to have plans picked up by another staff member, faxed or emailed to your school and to a specific person. Note that in the section (*Substitute Teacher Information*) you are required to keep emergency plans available in the event you are unable to prepare a daily lesson plan. When you know you are going to be absent ahead of time (conferences, medical appointments, etc.), you are required to schedule your absence using Absence Management to secure a substitute well in advance.

CLAIM FORMS

All information including the Employee Identification Number must be entered correctly on the District Claim Forms for timely payment. Incorrect or missing information will result in a return of the Claim Form and a delay in payment to the employee. Claim Forms must be submitted in a timely fashion in order to be processed and paid. Employees are expected to follow all directives provided by the Payroll Department and the Business Office to ensure appropriate payment is made.

Payroll Claim Forms must include the following information:

- Employee name
- Employee ID number (do not include Social Security number)
- Budget code
- Rate of pay
- Dates and times worked

Deadline for Submission

In order for pay to be included on a specific pay date, a completed Payroll Claim Form must be received by Payroll no later than (7) business days before the expected pay date.

Year-End Considerations

The correct fiscal year must be used when charging expenditures. Therefore, Payroll Claim Forms must be received by Payroll no later than (7) business days after the end of the fiscal year in which the work was performed.

CONFERENCE REIMBURSEMENT

In order for a payment to be included on a specific bill payment date, a completed Claim Form must be received in the Accounts Payable office no later than (10) business days before the bill payment date. Conferences must be approved in advance when an employee is seeking reimbursement of funds.

The correct fiscal year must be used when charging expenditures. Therefore, Claim Forms for conference reimbursement, must be received by Accounts Payable no later than (7) business days after the end of the fiscal year in which the related travel and/or conference took place.

DIRECT DEPOSIT

Payroll direct deposit is recommended for all existing employees. Employees using direct deposit are responsible for completing all required paperwork in order for the direct deposit to be established. Employees will not receive a statement of deposit on payday, payroll related information is always available to employees via the WinCap Web Employee Self-Serve portal. Direct deposit is a convenient and secure way to quickly access your payroll information. Employees not on direct deposit will receive a paycheck mailed to the employee's home address.

EXPENSE REIMBURSEMENT

District employees must have written authorization from an administrator prior to incurring an expense on behalf of the Smithtown Central School District. No employee may enter into any form of a contract without written approval from the Superintendent of Schools, Assistant Superintendent for Finance and Operations or his/her designees. To be reimbursed for all authorized expenses, you must submit an expense report/voucher accompanied by receipts and approved by your direct supervisor.

If you are asked to conduct school business that requires using your personal vehicle, you will be reimbursed at the applicable rate per mile. Employees requesting expense reimbursement are expected to submit the request in accordance with the terms outlined by the Assistant Superintendent for Finance and Operations. Questions directly related to expenses should be directed to the Accounts Payable Office at 631-382-2126.

HOURS OF OPERATION

Although district offices are generally open from 8:00 AM until 4:00 PM each day, certain employees may be assigned to differentiated work schedules and/or shifts outside of normal office hours. If an employee must be out of the school or office for non-business related reasons during their normal work schedule, permission is required from the direct supervisor, building or district administrator. District office hours may be adjusted during summer months and days when students are not in session.

OVERTIME

Employees may be eligible for overtime for all hours worked in excess of their regular assigned hours. Each department supervisor must approve overtime in advance. Employees are encouraged to review their Collective Bargaining Agreement for specific information and further detail on overtime eligibility and the rate of pay for additional time worked if applicable.

PAYROLL PERIOD & PAYDAY

Employees are paid in accordance with the payroll schedule. A payroll schedule is provided to all employees and is always available in the shared folder in Google Drive. Questions regarding payroll should be directed to Carol Mountzouros, Payroll Supervisor, at 631-382-2136. Employees are encouraged to participate in the Direct Deposit program for ease and convenience.

TRAVEL CLAIM FORMS

Mileage Claim Forms must contain the appropriate administrator's signature and are to be submitted at the conclusion of each quarter for employees who regularly incur mileage. The following items must be included with all mileage claims:

- Signed Mileage Reimbursement Claim Form Summary with budget code(s) listed
- Signed Mileage Claim Form detail
- Attendance calendar
- Google Maps
- Certificate of attendance (if applicable)
- Documentation specifying the date and location of a workshop or school sponsored event.

In order for a payment to be included on a specific bill payment date, a completed Claim Form must be received in Accounts Payable no later than ten (10) business days before the bill payment date.

The correct fiscal year must be used when charging expenditures. Therefore, Mileage Reimbursement Claim Forms, must be received by Accounts Payable no later than (7) business days after the end of the fiscal year in which the related travel took place.

SECTION 6-CONDUCT & POLICIES

ACCIDENT FORMS

Employees who are injured on the job are required to complete an accident report form immediately, if able to do so. All injuries, regardless of the severity must be reported. Accident forms can be found in the Health Office of each school. Alternatively, forms may be available with the Head or Chief Custodian. Furthermore, employees should review the Workers' Compensation section of the Employee Handbook as it relates to injuries.

COMPLIANCE TRAINING

Changes related to school safety, emergency preparation, DASA, etc. take place frequently. Events related to school age children continue to demonstrate the need for ongoing training and review of the procedures to follow in the event of an emergency. The district provides the necessary training via Global Compliance Network (GCN) videos that are available through a web-based service. All staff members are required to complete the following video trainings by **September 15th** of each year:

- | | |
|--|--------------|
| 1. Bloodborne Pathogens | (20 minutes) |
| 2. Child Abuse-NY | (28 minutes) |
| 3. De-Escalation | (06 minutes) |
| 4. Dignity for All Students Act/Code of Conduct (DASA) | (09 minutes) |
| 5. Epinephrine Auto-Injector Training for NY | (22 minutes) |
| 6. School Safety-NY | (18 minutes) |
| 7. Sexual Harassment-NY | (25 minutes) |
| 8. Student Data Privacy (NY State Ed Law Section 2-d) | (20 minutes) |
| 9. Suicide Prevention | (16 minutes) |
| 10. Workplace Violence Prevention | (15 minutes) |

In addition to the GCN videos above, KnowBe4 cybersecurity video training will be announced separately during the year that will also be required for you to maintain a district email account.

Consider the following possible options in order to complete your GCN training:

- Full-time certified and non-certified employees are encouraged to use part of Superintendent's Conference Day to complete the training and may complete the training before and/or after normal student school hours. Clerical and operational support staff with computer access should complete training during their work shift. Administrators may provide time during a directed preparation period, department or faculty meeting for STA members.
- Only part-time hourly employees without computer access during their regular work day will be compensated for up to three (3) hours at their regular rate. The GCN certificate showing proof of completion of all required GCN training must be submitted (sent to Jennifer Murray's attention in Non-Certified Personnel) if compensation is requested. Summer submissions will not be paid until September. Time cards will no longer be accepted for GCN training compensation.

- Computers may be available for those in need throughout the schools. Full-time employees and those staff members working on days that students are not in attendance at the start of the year will **not** be compensated.

Login Information: <http://site.gcctraining.com/>

Organization ID=118422s

You must enter the unique User ID that was previously created when you login screen for GCN. Training requirements are subject to change throughout the year as necessary.

CONFERENCES AND WORKSHOPS

District administration recognizes the importance of balancing school employee needs for professional growth and student needs for a quality education. Consequently, the district supports employee attendance at approved meetings, workshops, seminars, and conventions outside the school district both during and after school hours. The Assistant Superintendent for Instruction, immediate supervisor and building principal must approve any conference request. Substitute arrangements may be made for employees attending conferences or workshops at the direction of an administrator. Be sure to consult your administrator to verify coverage has been secured.

Employees should submit requests to attend workshops to their supervisor or building principal well in advance of the requested conference. Please be mindful that the conference application and document processing is time sensitive. Requests for reimbursement must be submitted as stated on the Conference Request Form. Receipts must accompany all requests for reimbursement where applicable.

Final approval to attend a conference may include the following considerations:

- Availability of a substitute.
- Sufficient funds in the staff development budget.
- Connection to the employee's position in the district.
- Number of previously approved requests to attend conferences.
- Compatibility of the conference with the district's staff development plans.
- Unit members should follow the specific protocols as outlined in Frontline-Professional Growth (formerly My Learning Plan) if applicable.

CONFIDENTIAL INFORMATION

As an employee of the Smithtown Central School District, you may have access to confidential information. This means any information that is not generally known to or accessible by the public. Employees are hereby informed that access to, use of, and dissemination of confidential information is governed by Federal and NY State law, as well as District policy. Additional information on student privacy is located in Board of Education Policies #5500 and #8625 for employees to review.

Much of student performance in the school setting (academic or behavioral in nature) should be considered confidential and not communicated in public forums. Use caution when having conversations in hallways, offices, faculty rooms, cafeteria, etc. where conversations can be overheard. Information contained in Individualized Educational Plans (IEP), permanent folders, grade books, custody papers, emergency health records, etc., should be shared cautiously and only with employees who have a need to know. As professionals, employees must respect that certain information is confidential and should not be used in frivolous conversation. Employees should always consult their direct supervisors with questions or concerns regarding confidentiality.

CONFLICT OF INTEREST

Employees are prohibited from receiving anything of value for their own benefit that results from selling, soliciting or promoting the sale of any goods or services to any public school pupil while on school property or at school sponsored events. Prohibited items of value include gifts, benefits or other types of compensation. District employees must avoid obtaining any personal gain or benefit from activities involving public school students while on school district property or in school related activities unless the district has otherwise approved it. Employees are encouraged to review Board of Education Policy #9120.1 regarding conflicts.

COPYRIGHT

The Board of Education acknowledges the necessity of complying with Federal laws governing the use of copyrighted material. Infringement on copyrighted material is a serious offense and all applicable regulations are expected to be followed. Employees should refer to Board of Education Policy #8650 for additional information.

CRISIS INFORMATION

All employees are expected to review [emergency plans](#) and to be familiar with the contents in the event of an emergency. Each building principal and operational supervisor will review the emergency response plan for their respective building at staff meetings. Each school will also maintain a Building Safety Response Plan that will include the members of the emergency response team, location and telephone numbers of the control center, alternative control center, and evacuation site. General guidelines to be followed for the emergency response plan, major responsibilities during an emergency and the staff designated to carry out those responsibilities will be specified.

- Bus drills are coordinated by the Transportation Department as necessary.
- Emergency evacuation go-home early drills will be conducted annually.
- Emergency intruder response drills are conducted throughout the year.
- Fire drills are conducted in each school building throughout the year.

Staff should remind students of the importance of each of these drills and explain why the District practices for emergency situations through the use of such drills.

DIGNITY FOR ALL STUDENTS ACT

The Smithtown Central School District is committed to providing an educational environment that promotes respect, dignity and equality as per the Code of Conduct. The district recognizes that students' ability to learn and to meet high academic standards and a school's ability to educate its students are compromised by incidents of bullying or harassment. Such behavior affects not only the individuals who are its targets, but also those who participate in or witness such acts. All school personnel have a professional responsibility to assist the children of our schools with bullying (including cyberbullying) and socialization issues. Employees are expected to address incidents as necessary and report bullying to teachers, administrators and/or supervisors. Training for all staff will be ongoing and may be included in Superintendent's Conference Days, part of building wide and departmental professional development sessions. Staff members are required to review the Global Compliance Network (GCN) Training video on Dignity for all Students Act/Code of Conduct. District DASA trained staff members exist in every school and are listed on the DASA [website](#). Please note the following information for district information:

District-Wide DASA Coordinator

Mr. Kevin Colon
Administrator for Guidance and Related Student Services
631-382-2014
26 New York Avenue
Smithtown, NY 11787

DISTRICT E-MAIL AND COMPUTER USE POLICY

Board of Education Policies #4526, #4526.1, #4527 and #8630 set forth the expectations of the Smithtown Central School District with respect to district technology. All employees who use the district's e-mail and computer technology system must comply with district expectations and all Board of Education policies. Additionally, when using district information technology, employees agree to the Acceptable Use of Information Technology Regulation #4526.1 including but not limited to e-mail and Internet connectivity. No "spam" e-mail or "All Staff" emails should be sent out without prior approval of the Superintendent of Schools or his/her designee. A copy of this policy and the related regulations are located in the Appendix section of the Handbook. E-mail continues to be the primary method of communication throughout the District. Employee email is accessible through the Internet for employees to access. Non-exempt employees are not expected to access email outside of the contractual work day. Employees must remain mindful of their digital footprint regarding email, web use, social media, etc. and therefore use caution as we are always members of the District.

DRESS CODE

All Smithtown Central School District employees should use professional discretion in wearing attire that is appropriate for the workplace and student interaction. District employees are expected to dress neatly and practice good grooming and hygiene. Furthermore, members of the Smithtown Central School District staff are encouraged to exemplify and reinforce appropriate student dress. If applicable, employees are encouraged to review their collective bargaining agreements for specific information related to work attire. Those employees who are issued uniforms by the district must wear those uniforms at work each day.

DRUGS & ALCOHOL

The Smithtown Central School District realizes that the misuse of drugs and alcohol impairs employee health and productivity and may result in unsafe conditions for employees and students. The district is committed to maintaining a productive, safe, and healthy work environment, free of unauthorized drug and alcohol use. All employees are expected to abide by the Smithtown Central School District Board of Education Policy #9320-Drug-Free Workplace. Employees are reminded of the [TriState Reach Employee Assistance Program](#) that is available as a confidential resource.

FINGERPRINTING

All new employees to the Smithtown Central School District with direct access to students must be fingerprinted in accordance with the Education Law. Fingerprinting information is available through the [Office of Personnel Services](#) website and also provided during the application process for new hires. Candidates recommended for employment may not begin without full fingerprint clearance. Additional information and updates to fingerprinting requirements can be found on the [TEACH](#) website.

FOOD SERVICE

The Smithtown Central School District Office of Child Nutrition is located on the premises of Great Hollow Middle School and offers meals and a la carte items for all employees for purchase during normal operational hours. Availability of items including meals and hours vary by building and location.

GRIEVANCE PROCEDURE

Work related problems can arise in any place of employment. We hope individuals will try to reconcile differences on an individual basis. Should this not be possible, to resolve a problem quickly and fairly, the Smithtown Central School District has a grievance procedure for each bargaining unit as outlined in the Collective Bargaining Agreements and in Board Policy #9140.1 for staff members not covered by a Collective Bargaining Agreement. It is expected that the grievance procedures be followed appropriately as explained in each Collective Bargaining Agreement.

HOUSEKEEPING

All employees are expected to monitor the condition of their workspace. It is each employee's responsibility to report any damage to his or her direct supervisor immediately. Custodial requests should be completed to address maintenance needs according to each building's specific procedures. At the end of each workday, each employee is expected to check that windows and doors are closed and locked, air conditioning units and lights are turned off and the room is secured. Employees are responsible for maintaining the Faculty Room in each school and keeping it in an orderly fashion. Employees are asked to shut down all technology equipment including but not limited to: Smart Boards, computers, printers, etc.

IDENTIFICATION BADGES

The safety and well-being of students and staff is of paramount importance. Therefore, all staff members are required to wear the photo ID badge that was issued to them by the district during normal school hours. Employees must carry ID badges in the event of travel to other district buildings. Employees should report lost ID badges to their director supervisor. Contact should be made with the Security Office for replacement ID badges or if you experience issues with the swipe card access. ID badges are the property of the district and must be returned to each building when the employee leaves the district.

KEYS

School and/or classroom keys are issued through the Director of Facilities at the request of the building principal. Staff members will be issued keys for their classrooms as well as any areas for which they have responsibilities as necessary. Each classroom door lock is uniquely keyed limiting access to school staff with required access as necessary. Building key concerns or related problems should be referred to the building administrator. All staff members are responsible for keeping their assigned keys secure at all times. Keys are not to be loaned to anyone and may not be duplicated.

NONDISCRIMINATION EFFORTS

The Smithtown Central School District does not discriminate on the basis of any protected status. It is the intent of the district to comply with the law in making certain discrimination does not exist in its policies, regulations and operations. In the event an employee feels that he or she has been discriminated against based on any action prohibited by law, he or she may seek the assistance of the building principal, direct supervisor or a Title IX Compliance Officer.

Mr. Neil Katz

Assistant Superintendent for Personnel

631-382-2165

Complaints brought to the Office for Personnel Services will be handled in a confidential fashion, and to the extent possible and practicable, will be investigated thoroughly and resolutions will be recommended. An employee may contact this office without fear of retaliation regarding his or her employment status. However, frivolous or fraudulent complaints will not be entertained and may result in disciplinary action. Employees are encouraged to refer to Board of Education Policy #0100-Equal Opportunity, Non Discrimination and Anti-Harassment regarding discrimination and should review their Collective Bargaining Agreement for specific information related to grievance procedures. Please also be directed to the notification of your employee rights and remedies pursuant to New York State Labor Law 203-e, prohibiting discrimination based on an employee's or a dependent's reproductive health decision-making. This notification is contained in Appendix I of this handbook.

PERSONNEL FILE ACCESS AND REVIEW

All official employee personnel files are kept in the Office of Personnel Services located at the District Office. The files typically contain information collected at the time of employment and include resumes and transcripts, copies of teacher licenses, and any noteworthy memos and letters. An employee may request an appointment to view their file and request copies of documents within the personnel file, using the procedures and subject to the conditions set forth in the employee's Collective Bargaining Agreement and Board Policy #9160. Files cannot be removed from the District Office. Personnel files are the property of the district and are retained by the district even after an employee leaves the district. Employee personnel files are never transferred nor mailed to another School District if and when an employee leaves the district.

PRINT SHOP COPY CENTER-COPYRIGHTED MATERIALS

District employees are expected to utilize the Print Shop (located at District Office-NYA) as often as possible when reproduction of material is necessary. The district directs its students and staff to comply with the Federal copyright laws. Federal law makes it illegal to duplicate copyrighted materials without authorization of the holder of the copyright, except for certain exempt purposes. Unauthorized reproduction or use of copyrighted materials by district employees or students is illegal and unethical. Violations of the copyright laws may result in criminal penalties, civil suits and/or disciplinary action. Individuals violating provisions of the

copyright laws or this policy assume all liability for the action. Furthermore, employees should familiarize themselves with Board of Education Policy #8650 on School District Compliance with Copyright Law.

PROFESSIONAL DEVELOPMENT

Professional development will be offered for all employees throughout the school year when applicable. Generally, professional development workshops will include programs focused on fostering personal and professional growth for school employees. Ultimately, the goal of the professional development program is to result in better learning for students and more efficient school operations. All employees are encouraged to participate in these programs and offer suggestions for future programs. Global Compliance Network (GCN), KnowBe4 and other platforms will be utilized for online independent and group professional development throughout the year.

PURCHASE ORDERS

Purchase orders will not be authorized without an approved Request for Purchase Order. The Request for Purchase Order must be submitted electronically and approved according to the procedures set forth by the Assistant Superintendent for Finance and Operations. Staff members are encouraged to contact Ms. Gina Klug (Purchasing Agent) at 631-382-2154 with questions or concerns regarding purchasing procedures.

RECORDS REQUESTS

The District is in possession of records pertaining to employees, students, and general operations of the District. Under the New York State Freedom of Information Law, certain records may be made available to members of the public and press upon the proper presentation of a Freedom of Information (FOIL) request. FOIL requests must be submitted to the District's Records Access Officer, who in our case is the District Clerk. Some records, particularly those pertaining to confidential personnel matters and confidential student records, are excluded from FOIL requests. Student records are available to parents/guardians upon proper request from the building principals and the District Clerk. Outside agencies requesting student records must have signed releases from the parents/guardians of the student. Employees may not release student information without prior approval and proper consent. Please review Board of Education Policy #5500 for additional information.

RELEASE OF EMPLOYMENT INFORMATION

Individuals seeking employment verifications and references should be referred to the Office of Personnel Services. Upon proper authorization, only factual, job-related information including dates of employment, job title and salary on current and former employees will be released to individuals seeking verifications and references

RELEASE OF INFORMATION FORMS

Staff members may not complete any outside paperwork regarding requests for student information without approval from the building principal. If a parent requests information from a staff member, the staff member must immediately bring this request to the direct supervisor's attention. At that time, parents should be informed that they must complete and sign a consent form. No student information will be released to anyone other than the parent/guardian without a signed consent form. All requested information will be sent only from the Main Office of each school. Questions regarding release of information should be directed to your building principal or direct supervisor. Employees are encouraged to review Board of Education Policy #5500 for additional details and information regarding student privacy and the release of student information.

REPAIR REQUESTS

A maintenance request form must be accurately completed and sent to the building principal for all building repair concerns. Requests will be directed to the Plant and Facilities Office as necessary and will be completed on a priority basis. Employees who are members of the District Building and Safety Committees may address specific concerns at monthly meetings if appropriate. Employees should not attempt to complete repairs or make modifications on their own.

RESIGNATIONS

As a common courtesy, employees are encouraged to notify the District as soon as practicable when the decision has been made to resign from employment with the district. Employees are required to submit their resignation in writing to the immediate supervisor and addressed to the Superintendent of Schools. The direct supervisor will forward a copy of the letter of resignation to the Office of Personnel Services for processing and appropriate record keeping. Certified personnel are reminded that they must provide 30 days written notice when resigning from their position. Employees are encouraged to review their Collective Bargaining Agreements for additional information related to minimal notification prior to separation.

SALES REPRESENTATIVES & SOLICITORS

Sales representatives are not permitted to approach staff members during the school day unless they have been cleared through the Assistant Superintendent for Finance and Operations. In such circumstances, arrangements are usually made in advance and coordinated through the Business Office and the principal of each school. Employees are expected to have an appointment with the sales representative in order to meet with them during a free period. Appointments should never be scheduled when they will interfere with the normal operation of the school day.

SECURITY MEASURES

All school related equipment should be placed in secure, locked storage areas within each building. Classrooms should be locked when no teacher or other staff member is present. Teachers are asked to be sure that each room is locked during lunch, specials and prior to leaving for the day. All ground floor windows must be closed and locked when the rooms are unoccupied. Exit doors are to be closed and locked at all times to prevent

unauthorized people from entering school buildings. Staff members are required to refer all visitors to the greeter's desk to sign in to receive a visitor's pass. District employees should stop and question persons that are not familiar or without District identification when in school buildings. District security protocols must be followed and enforced at all times.

SMOKING

The Smithtown Central School District strives to provide a healthy environment for all students, staff and faculty members. In accordance with New York State law and District policy, the district prohibits the use of vaping materials, electronic cigarettes, smoking and the consumption of any form of tobacco on district property or at any school sponsored activity or event held outside of the normal school hours. Employees are encouraged to review Board of Education Policy #1530 for additional information.

SOCIAL NETWORKING

To accommodate new communication paradigms and tools and remain at the forefront of preparing students for the future, educators and school districts must explore new and emerging technologies to supplement the range of services they currently offer. Among the tools available to educators and school districts are social networking sites (hereinafter referred to as "SNS"). SNS have great potential to connect people across the globe and enhance communication; however, they are also more informal, less structured and still emerging. In general, district personnel shall conduct themselves in the "virtual" or online world of SNS just as they would in all face-to-face human interactions, namely district personnel must treat others with dignity and respect and observe all other district policies and/or established standards of professional conduct. These guidelines are designed to establish some basic parameters for the creation and use of SNS for the Smithtown Central School District and use of SNS by the District, students, staff, employees and others. It is strongly encouraged that employees posting on SNS in an individual (i.e., non-work) capacity clearly communicate in their post(s) that they are not acting as a representative of, or expressing the official views of, the district. Additionally, employees should be mindful that information readily available via Social Networking Sites/SNS should not be the basis for computer account passwords – ie: family member names, pets, favorite teams, etc. Employees are encouraged to review Board of Education Policy #4527 for additional details and information regarding Social Networking Sites.

SPECIAL EDUCATION AIDES

District staff members employed as Special Education Aides are reminded of the importance of confidentiality and positive attendance in their assignment in order to strengthen the continuity of instruction. Special Education Aides are asked to review the attached [Special Education Aide Handbook](#) for important information related to the specifics of their work.

SPECIAL EDUCATION IEP REVIEW

Policy 4321.5 requests that each employee who teaches students with an IEP are required to acknowledge that they understand they have the ability to receive either a copy of a student's IEP (Individualized Education Plan), IESP, or SP (School Health Plan) or the opportunity to review the IEP, IESP or SP prior to its implementation. It is your responsibility for implementing the IEP and that you understand where the IEP, IESP or SP is maintained digitally or within the building. This storage would be digitally or either be through the primary teacher or the building school support staff. Remain mindful that these are confidential documents. If you are unsure where to find these documents, please seek out the building school psychologist, special education teacher of the student, building principal or a special education administrator for assistance.

STAFF MAIL

Staff members are expected to check mailboxes throughout the school day for important information. Due to confidentiality, students should not be sent to pick up anything from a staff member's mailbox. Additionally, staff members with access are expected to review school e-mail a minimum of once each work day. E-mail continues to be the primary method of communication throughout the district. District email is also accessible through the Internet for exempt employees to access during off hours if desired.

STAFF MEETINGS

The building principals, academic department administrators, directors, and district administrators schedule staff meetings as needed. Depending on circumstances, meetings may be held before student arrival or after student dismissal. Permission must be obtained in advance from the appropriate building principal or supervisor if an employee will be unable to attend a staff meeting. Teachers and staff with multiple assignments may be required to attend multiple staff meetings. If in doubt about required attendance, contact your building principal for clarification.

SUBSTITUTE FOLDERS

Teachers are expected to maintain an up-to-date substitute folder containing emergency plans that will be kept at each assigned school. Changes should be noted in the folder and may include new or left students, changes in special services, custodial issues, transportation, and health awareness. Specific instructions should be provided for attendance reporting, fire drill and emergency procedures as part of the subfolder. Specific questions regarding substitute plans and folders should be directed to the building principal and/or academic department administrator.

TECHNOLOGY REPAIRS

The Information Technology Department is responsible for maintaining the district's equipment related to technology hardware and software. All concerns regarding appropriate use of and necessary repairs to district equipment should be addressed with the building Technical Support Aide (TSA) or another member of the Information Technology Department.

To avoid unnecessary delays, when IT support is needed please follow the procedures below:

1. Contact your building Technical Support Aide if you cannot login, and/or are having trouble accessing your Google Drive, network files, Internet, e-mail, or attendance system. The building TSA will provide immediate assistance and will escalate to the appropriate member of the Information Technology Department as necessary.
2. Equipment related to special education services including FM units, alternate access for communication devices, etc. will require direction from the Office of Special Education.

TELEPHONES AND OTHER DISTRICT EQUIPMENT

All employees are reminded that District resources including telephones, fax machines, office equipment, information technology hardware and software systems, etc. are for work-related use only. Therefore, the district resources are not to be used for personal reasons. Additional information related to the use of District equipment is contained in BOE Policies #4526, 4526.1, 4527 and 8630.

VISITORS

For safety reasons, all employees are required to remind visitors to register with the greeter in the building in order to receive a visitor's pass. Building principals need to know who is in their building at all times. Visitors are required to present photo identification that will be scanned through the "Raptor" system, sign the office/greeter logbook and wear a visitor identification badge. Employees who notice a non-school employee in a building without a visitor badge should stop and question the person, immediately contact the building principal's office and Security if necessary.

EMPLOYEE HANDBOOK: ACKNOWLEDGEMENT FORM

This Employee Handbook has been prepared for your information and understanding of the Smithtown Central School District policies, procedures, expectations and benefits in effect on the date it was issued. It is not intended to be all encompassing. There is no promise of any kind in this Handbook. Please read it carefully. Upon completion of your electronic review of this Handbook, please sign the statement below, and return it to the Office of Personnel Services. A reproduction of this acknowledgment appears at the back of this booklet for your records.

I have accessed an electronic copy of the Smithtown Central School District Employee Handbook, which outlines the goals, policies, benefits, and expectations of the district, as well as my responsibilities as an employee.

Additionally, I have familiarized myself with the contents of this Handbook. By my signature below, I acknowledge, understand, accept and agree to comply with the information contained in the Employee Handbook, which is provided to me in electronic format by the Smithtown Central School District. I understand this Handbook is not intended to cover every situation that may arise during my employment, but is simply a general guide to some of the goals, policies, practices, benefits and expectations of the District.

I understand that the Smithtown Central School District Employee Handbook is not a contract of employment and should not be deemed or construed as such. Furthermore, I understand that updates to this Handbook may take place at any time throughout my employment without prior notice.

(Employee Name-Printed)

(Employee Signature) (Date)

APPENDIX I

BOARD OF EDUCATION POLICIES & DISTRICT INFORMATION

- Child Abuse, Maltreatment or Neglect in a Domestic Setting Policy #5460
- Child Abuse in an Educational Setting Policy #5465
- Disclosure of Wrongful Conduct Policy #9645
- District Code of Conduct Policy #5300
- Drug-Free Workplace Policy #9320
- Acceptable Use of Information Technology Policy #4526
- Acceptable Use of Information Technology Regulation #4526-R
- Computer Resources and Data Management #8630
- Equal Opportunity, Non-Discrimination and Anti-Harassment Policy #0100
- Policy Against Workplace Discrimination and Harassment #0110
- Policy Against Workplace Sexual Harassment #0110.1
- Student Harassment, Discrimination and Bullying Prevention and Intervention Policy #0115
- Social Networking Sites #4527
- Privacy and Security for Student, Teacher and Principal Data #8625
- Staff Complaints & Grievances Policy #9140.1
- Board-Staff Communications Policy #2700
- NYS Labor Law § 203-e Notification of prohibition of discrimination based on an employee's or a dependent's reproductive health decision making



Book	Policy Manual
Section	5000 Students
Title	Child Abuse, Maltreatment or Neglect in a Domestic Setting
Code	5460
Status	Active
Adopted	March 25, 2003
Last Revised	October 22, 2024
Last Reviewed	October 8, 2024
Prior Revised Dates	3/10/15, 11/14/17

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused, maltreated or neglected children and refer them for treatment and protection. The Board of Education further recognizes the specific dictates of law which require school officials to report suspected instances of child abuse, maltreatment (which includes neglect) in a domestic setting.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist them and their family.

School officials, who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment, must immediately report this to the New York State Central Register for Child Abuse and Maltreatment (Central Register), as required by law.

No conditions may be imposed which limit their responsibility to report. A school official is defined as:

- Teacher
- Guidance counselor
- Psychologist
- Nurse
- Social Worker

- Full or part-time paid athletic coach
- Administrator
- Any school personnel required to hold a teaching or administrative license or certificate.

General Definitions

1. Abused Child: According to by Social Services Law and the Family Court Act, is a child less than eighteen (18) years of age whose parent or other person legally responsible for his or her care:
 - a. inflicts or allows to be inflicted upon such child physical injury by other than accidental means which causes or creates a substantial risk of death, or serious or protracted disfigurement, or protracted impairment of physical or emotional health or protracted loss or impairment of the function of any bodily organ; or
 - b. creates or allows to be created a substantial risk of physical injury to such a child by other than accidental means which would be likely to cause death or serious or protracted disfigurement, or protracted impairment of physical or emotional health, or protracted loss or impairment of the function of any bodily organ; or
 - c. commits, or allows to be committed, a sex offense against such child, as defined in the penal law, provided, however, that the corroboration requirements contained therein will not apply to proceedings under this article.
2. Neglected or Maltreated Child: According to the Family Court Act, a neglected or maltreated child is one who is under the age of eighteen (18) years of age:
 - a. whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure to exercise a minimum degree of care:
 - i. in supplying food, shelter, clothing or education, in accordance with the educational law, or medical, dental, optometrical or surgical care, though financially able to do so or offered financial or other reasonable means to do so; or
 - ii. in providing the child with proper supervision or guardianship; by unreasonably inflicting harm, or a substantial risk thereof, or by misusing a drug or drugs; or by misusing alcoholic beverages to the extent that he loses self-control of his actions; or by any other acts of a similarly serious nature; or
 - b. who has been abandoned by their parent(s) or other person legally responsible for their care.

In order for a report of educational neglect to be accepted, three (3) elements need to be established:

- a. Excessive absence from school by the child;

- b. Reasonable cause to suspect that the parent is aware or should have been aware of the excessive absenteeism and the parent has contributed to the problem or is failing to take steps to effectively address the problem; and
 - c. Reasonable cause to suspect educational impairment or harm to the child or imminent danger of such impairment or harm.
3. Person legally responsible includes the child's custodian, guardian, or any other person responsible for the child's care at the relevant time. Custodian may include any person continually or at regular intervals found in the same household as the child when the conduct of such person causes or contributes to the abuse or neglect of the child.

The Reporting Process

Upon receiving or observing information concerning an alleged incident of child abuse outside the educational setting, All mandated reporters will make an initial report to Child Protective Services personally and then immediately notify the Building Principal or their designee of the report. Mandated reporters may make the report by telephone or facsimile transmission of the form utilized by the Office of Children's and Family Services.

A mandated reporter is required to either: call the Statewide Central Register for Child Abuse and Maltreatment (800-342-3720) and inform them verbally of the problem; OR contact the above agency by telephone facsimile machine on a form supplied by the Commissioner of Social Services; AND receive a call ID number or facsimile confirmation for retention in School District records and a personal copy and/or any other means of communications approved by the Statewide Central Registry for Child Abuse. A written report will be made within forty-eight hours to the appropriate local child protective service, and to the statewide Central Register.

School employees who are not school officials, as defined above, but who have reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment are encouraged to report to the Central Register. However, the school employee must report the matter to the Building Principal. If the matter has not yet been reported to the Central Register, the Building Principal will make the report, in accordance with state law. In being required to file such report, the Building Principal does not have discretion. The reporter will not conduct an investigation but will cooperate with the Child Protective Services workers who will be conducting an investigation.

School employees or officials may not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

School District employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board of Education recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The School District will make every reasonable effort to ensure the integrity of the School District's child abuse reporting process and procedure.

School District Relationship with Local Social Service District

The School District will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse. The Superintendent of Schools, or designee, will represent the School District when collaborating with local social service agencies to address instances of abuse or maltreatment, and in the development of policy and procedures regarding abuse or maltreatment (including educational neglect). In addition, the Superintendent of Schools will share a copy of the School District's attendance policy, 5100, with the local social service district.

Staff Members to Report to Administration

New York State Law permits any person to report suspected child abuse or maltreatment directly to the appropriate agency. It shall be the policy of the School District that all members of the staff will report suspected child abuse or maltreatment to the administrator of the school where the child is enrolled or participating in any activity, and must either make an independent report to Child Protective Services, or verify specifically that the school administrator has notified Child Protective Services on behalf of the school.

Confidentiality

The School District maintain the confidentiality of all reports and will provide that no copy of any report be released to any person except the State or local Child Protective Services, or other such agency required by law.

1. Request for copy of report: If a request is made by any other person for a copy of any report, the School District will deny that request upon the basis that disclosure could be detrimental to the child named in the report and that a duplicate copy of any report has been filed with the appropriate agency from which the person requesting copy may request a copy. If the School District is required by law to release any report, then the School District, consistent with New York State Social Services Law §422, will prohibit the release of information that would identify the person who made the report or who cooperated in any investigation, or the name of the place of employment of such person or persons.
2. Designated record keeper: To maintain confidentiality, the School District will designate one person at each school who will maintain all reports made pursuant to this policy in one location. The School District will provide for no more than one copy of any report being held at the central location designated at each school, and one copy of any report being held at the central location designated at each school, and one copy in a centralized location at central administration. At no time will copies of any report made under this section be filed in a child's academic folder, nor will any notation be made in a child's academic folder that such a report has been made.
3. Destruction of reports: If Child Protection Services or other such appropriate agency determines the allegations of child abuse or maltreatment are unfounded, then the School District will expunge immediately from both the building and central administration records all information identifying the child's name or names of other

persons in the report. In all other cases, the report of any child will be expunged no less than twelve (12) months after the report is made by the School District to the appropriate agency.

Immunity

The School District will emphasize to the members of the staff that New York Social Services Law provides immunity, both civil and criminal, to all persons who in good faith make a report pursuant to its guidelines as set forth in this policy and School District procedures. School District employees will not be subject to retaliatory action, as defined in state law, as a result of making a report when they reasonably suspect that a child has been abused or maltreated.

The Board of Education recognizes that knowingly reporting a false claim of child abuse is a violation of state law and this policy acknowledges that it is a crime to do so. The School District will make every reasonable effort to maintain the integrity of the School District's child abuse reporting process and procedure.

Liability

The School District will emphasize that a person identified as a mandated reporter who fails to report a case of suspected child abuse or maltreatment can be found guilty of a class A misdemeanor and may be personally liable for civil damages caused by such failure.

Continuing Education

The School District will establish an annual mandatory training program for all current and new school officials regarding the policies and procedures established under this policy and the New York State Social Services Law. The training program will address the identification and reporting of child abuse and maltreatment, including the legal implications of reporting and not reporting. Attendance records will be kept, and notations will be made in personnel files as to the dates of attendance. At least once per year the School District will make available to all employees a speaker or such other program to increase awareness of child abuse and maltreatment.

The Superintendent of Schools or their designee will develop, with input from appropriate personnel, a plan for implementation of such a training program. In addition, the policy and regulations will be distributed annually to all school employees who are not covered under existing handbooks. The Superintendent of Schools or their designee will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

As required by state law and regulation, the district will publicize the toll-free number for reporting child abuse and neglect to the Central Register (800-342-3720), and directions for accessing the NYS Office of Children and Family Services website (<http://ocfs.ny.gov/main/cps/>), in both English and Spanish.

Ref: Child Protective Services Act of 1973, Social Services Law §§411 et seq.
Social Services Law §34-a
Family Court Act §1012
Family Educational Rights and Privacy Act, 20 U.S.C. §1232g, 45 CFR §99.36
Education Law §§409-l; 3209-a, 3036

Penal Law 240.50
8 NYCRR §100.2(nn).

Cross References [5100 - Attendance](#)



Book	Policy Manual
Section	5000 Students
Title	Child Abuse in an Educational Setting
Code	5465
Status	Active
Adopted	March 25, 2003
Last Revised	November 12, 2019
Last Reviewed	August 30, 2018

The Board of Education recognizes that children have the right to an educational setting that does not threaten their physical and emotional health and development. Child abuse by school personnel and school volunteers violates this right and is strictly prohibited.

Allegations of child abuse by school personnel and school volunteers must be reported in accordance with the requirements of Article 23-B of the Education Law (Article 23-B) and this policy.

Required Reporters

All persons holding any of the following positions are required to promptly report written and oral allegations of child abuse in an educational setting in accordance with this policy and Article 23-B:

- school board member
- teacher
- school nurse
- school guidance counselor
- school psychologist
- school social worker
- school administrator
- other school personnel required to hold a teaching or administrative license or certificate
- licensed and registered physical therapist
- licensed and registered occupational therapist
- licensed and registered speech-language pathologist
- teacher aide
- school resource officer

For purposes of this policy, persons holding the above-listed positions are referred to as "required reporters."

All persons holding any of the following positions are also required to promptly report written and oral allegations of child abuse in an educational setting in accordance with this policy and Article 23-B:

- a school bus driver employed by a person or entity that contracts with the District to provide transportation services to children

- a supervisor who is employed by a person or entity that contracts with a school to provide transportation services to children

Volunteers and other District employees may, of course, report allegations of child abuse allegedly committed by District staff or volunteers in accordance with the requirements for required reporters as set forth in this policy and are encouraged to do so.

Definitions

For purposes of this policy, “educational setting” means the buildings and grounds of the District, the vehicles provided by the District directly or by contract for the transportation of students to and from school buildings, field trips, co-curricular and extra-curricular activity sites, and any other location where direct contact between an employee or volunteer and a child has allegedly occurred.

“Child” means a person under the age of 21 enrolled in a school district, public school, charter school, nonpublic school, board of cooperative educational services (BOCES), special act school district, approved preschool special education program, approved private school for the education of students with disabilities and State-operated or State-supported schools in accordance with the Education Law.

“Employee” means any person: (a) who is receiving compensation from the District; or (b) whose duties involve direct student contact and (i) who is receiving compensation from any person or entity that contracts with the District to provide transportation services to children; or (ii) who is an employee of a contracted service provider or worker placed within the District pursuant to a public assistance employment program pursuant to Social Services Law Article 5, Title 9-B.

“Volunteer” means any person, other than an employee, who has direct student contact and: (a) provides services to the District; or (b) provides services to any person or entity that contracts with the District to provide transportation services to children.

“Child abuse” means any of the following acts committed by an employee or volunteer against a child in an educational setting: (a) intentionally or recklessly inflicting physical injury, serious physical injury or death; (b) intentionally or recklessly engaging in conduct that creates a substantial risk of such physical injury, serious physical injury or death; (c) child sexual abuse in violation of Penal Law Article 130 or Article 263; or (d) the commission or attempted commission against a child of the crime of disseminating indecent materials to minors pursuant to Penal Law Article 235.

If a required reporter or any other District employee has a question as to whether alleged conduct constitutes “child abuse,” he or she must promptly raise the question to the Principal of the building where the abuse is alleged to have occurred (or, if the alleged abuse did not occur in a school building, to the Principal of the school building attended by the alleged victim). The Principal must consult Article 23-B or the school attorney, if necessary, to determine whether the allegations constitute child abuse.

The “written report” referenced in this policy is the “Child Abuse in an Educational Setting” report form developed by the State Education Department. Each Building Principal must keep a supply of these report forms available in his or her office.

Reporting Requirements for Required Reporters

A required reporter who receives an oral or written allegation that a child has been subjected to child abuse by an employee or volunteer in an educational setting must: (a) promptly complete a written report; and (b) promptly personally deliver a copy of the written report to the Principal of the school in which the child abuse allegedly occurred (or, if the Principal received the allegation and completed the report form, the Principal must promptly personally deliver a copy of the written report to the Superintendent, unless the Superintendent is the alleged abuser). If the alleged abuse did not occur in a school building, the reporter must file the report with the Principal of the school attended by the alleged victim. In no event may a required reporter wait more than one workday from his/her receipt of the allegation to file the written report with the appropriate Principal.

If the employee against whom an allegation is made is the Principal, the required reporter must personally deliver a copy of the written report to the Superintendent, not the Principal, within one workday of the reporter’s receipt of the allegation.

If the alleged abuser is an employee or volunteer of another school district, the required reporter must promptly send the written report to the Superintendent of the district where the alleged child victim attends school and to the

Superintendent of the district where the abuse allegedly occurred (if different). If the allegation involves a school that is not a school district or public school, the required reporter must promptly notify the appropriate school administrator(s), in addition to any appropriate Superintendent.

Where an employee is required to report an incident of child abuse in an educational setting to the vulnerable persons' central register pursuant to Social Services Law Article 11 and he or she reports an incident pursuant to that law, the employee will be deemed to have complied with the reporting requirements set forth in this policy and in Article 23-B.

Reporting Requirements for Providers of Transportation Services

If an oral or written allegation of child abuse is made to a school bus driver employed by a person or entity that contracts with the District to provide transportation services to children, the driver must promptly report or cause a report to be made to his or her supervisor.

If an oral or written report or allegation of child abuse in an educational setting is made to a supervisor 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, the supervisor must promptly complete a written report and must promptly personally deliver the written report to the Superintendent of the school district where the child abuse allegedly occurred (except, if the Superintendent is the employee against whom the allegation is made, the supervisor must promptly personally deliver the written report to the Principal of the school attended by the alleged victim) or, for a school that is not a school district or public school, to the school administrator of the school where the child abuse allegedly occurred.

Duties of the Principal/Superintendent

Upon receiving a written report, the Principal must determine whether there is reasonable suspicion to believe that an act of child abuse has occurred. In those circumstances where the Superintendent receives the written report directly, the Superintendent will be responsible for making the reasonable suspicion determination. If the person making the allegation of abuse is someone other than the child or the child's parent, the Principal/Superintendent must contact the person making the report to obtain the source and basis for the allegation.

If the Principal/Superintendent determines that there is reasonable suspicion to believe that an act of child abuse has occurred, he or she must: (1) promptly notify the parent of the alleged child victim that an allegation of child abuse in an educational setting has been made regarding the child (by phone, if possible, and in writing, by overnight mail), except where the parent originally reported the alleged abuse; (2) promptly provide the parent with a written statement setting forth parental rights, responsibilities and procedures pursuant to Article 23-B in accordance with the regulations of the Commissioner of Education; (3) where the Principal receives the written report, the Principal must promptly provide a copy of the report to the Superintendent; and (4) promptly forward the written report to the appropriate law enforcement authorities.

In no event may the Principal delay in sending the report to law enforcement because of an inability to contact the Superintendent.

Additional Duties of the Superintendent

The Superintendent must send to the Commissioner of Education any written report forwarded to the local law enforcement authorities where the employee or volunteer alleged to have committed an act of child abuse holds a certification or license issued by the State Education Department.

A written report of child abuse in an educational setting that does not, after investigation, result in a criminal conviction must be expunged from any record that may be kept by the District regarding the subject of the report after a period of five years from the date that the report was prepared or at such earlier time as the District determines.

Rights of Employees and Volunteers

Employees. Pending resolution of the allegations, no employee against whom an allegation of child abuse has been made may be permitted to have unsupervised contact with any District student. Any employee who has adverse action taken against him or her by virtue of or in connection with any written report of child abuse in an educational setting is entitled to a copy of the written report and to respond to the allegations set forth in the report.

Volunteers. Pending resolution of the allegations, no volunteer against whom an allegation of child abuse may be permitted to render volunteer services to the District. Any volunteer who has adverse action taken against him or her

by virtue of or in connection with any written report of child abuse in an educational setting is entitled to a copy of the written report and to respond to the allegations set forth in the report.

Confidentiality

All reports and other written material submitted pursuant to this policy or pursuant to Article 23-B must be kept confidential and may not be redisclosed except (a) to law enforcement authorities involved in investigating the alleged abuse; (b) as expressly authorized by law; or (c) pursuant to a court-ordered subpoena. The Principal and Superintendent must exercise reasonable care to prevent unauthorized disclosure.

Penalties

Willful disclosure of a written record required to be kept confidential to a person not authorized to receive or review the record is a class A misdemeanor and may also subject the individual to disciplinary actions in accordance with law and any applicable contract or collective bargaining agreement.

Required Reporters. Willful failure of a required reporter to submit a written report of alleged child abuse as required by Article 23-B is a class A misdemeanor and may also subject the individual to disciplinary action in accordance with law and any applicable contract or collective bargaining agreement.

Administrators. Willful failure of a Principal or Superintendent to submit a written report of alleged child abuse to an appropriate law enforcement authority where required by Article 23-B is a class A misdemeanor and may also subject the individual to disciplinary actions in accordance with law and any applicable contract or collective bargaining agreement.

The law also prohibits a Principal or Superintendent from agreeing to withhold from law enforcement authorities, the Superintendent or the Commissioner of Education (where appropriate) the fact that an allegation of child abuse in an educational setting on the part of any employee or volunteer has been made in return for the employee or volunteer's resignation or voluntary suspension from his or her position. A violation of this prohibition is a class E felony.

In addition, the Commissioner of Education may, following an administrative determination, impose a civil penalty of up to five thousand dollars on any Principal or Superintendent who fails to submit a report of child abuse to an appropriate law enforcement authority where required by Article 23-B.

Record Retention

Any report of child abuse by an employee or volunteer that does not result in a criminal conviction must be expunged from the District's records with respect to the subject of the report after five years from the date the report was made.

Immunity

Any employee, volunteer, or supervisor 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 an allegation of child abuse in an educational setting in accordance with Article 23-B will be immune from civil liability.

Training

The Superintendent is responsible for establishing and implementing on an ongoing basis a training program for all required reporters in accordance with the requirements set forth in Article 23-B and the Commissioner's regulations.

All school bus drivers employed by any person or entity that contracts with the District to provide transportation services to children must complete two hours of coursework or training regarding the identification and reporting of child abuse and maltreatment. The coursework or training must be obtained from an institution or provider that has been approved by the State Education Department to provide such coursework or training. The coursework or training must include information regarding the physical and behavioral indicators of child abuse and maltreatment and the statutory reporting requirements set forth in Social Services Law Section 413-420. Each covered bus driver must provide the Superintendent with documentation showing that he or she completed the required training. In addition, each school bus driver must provide such contracting person or entity with documentation showing that he or she completed the required training. The State Education Department is authorized to request these records on a periodic basis and may publish a list of any persons or schools that are not in compliance with this requirement on its website.

The coursework or training required by this policy and by Article 23-B does not apply to those persons already required to undergo coursework or training regarding the identification and reporting of child abuse and maltreatment pursuant to Education Law 3003 (certification of superintendents) or 3004 (certification of teachers).

Ref: Education Law §§1125-1133
8 NYCRR §100.2(hh) (Reporting of Child Abuse in an Educational Setting)

Adoption date: March 25, 2003

Reviewed: August 30, 2019

Revised: November 12, 2019

Cross References [5100 - Attendance](#)

DISCLOSURE OF WRONGFUL CONDUCT

The Board of Education ("Board") expects officers and employees of the district to fulfill the public's trust and to conduct themselves in an honorable manner, abiding by all district policies and regulations and by all applicable state and federal laws and regulations.

However, when district officers or employees know or have reasonable cause to believe that serious instances of wrongful conduct have occurred, they should report such wrongful conduct to the Superintendent of Schools ("Superintendent") or the Board. For purposes of this policy, the term "wrongful conduct" shall be defined to include:

- theft of district money, property, or resources;
- misuse of authority for personal gain or other non-district purpose;
- fraud;
- actions that compromise the security and integrity of the district's or state's testing program;
- violations of applicable federal and state laws and regulations; and/or
- serious violations of district policy, regulation, and/or procedure.

Disclosure and Investigation

Employees and officers who know or have reasonable cause to believe that wrongful conduct has occurred or is occurring shall report such mismanagement, fraud or abuse to the Superintendent or the Board, if the allegation involves the Superintendent. Upon receiving a report of alleged wrongful conduct, the district shall take prompt steps to conduct an investigation.

Staff members who suspect that a violation of state testing procedures has occurred by a certified educator, or non-certified individual involved in the state testing program, must report their concerns to the State Education Department in the manner proscribed by the Commissioner of Education, and must also report concerns to the Superintendent or Board. Any Building Principal receiving such a report will relay this information to the Superintendent and Assistant Superintendent for Instruction and Administration.

The Superintendent or the Board or the Superintendent's or Board's designee (e.g., School Attorney, Independent Auditor, etc.) shall maintain a written record of the allegation and conduct an investigation to ensure that the appropriate unit (e.g., auditors, forensic auditors, police, etc.) investigates the disclosure.

Except as otherwise provided in either state and/or federal law, the Board designated officer will make all reasonable attempts to protect the identity of the employee making the disclosure in a confidential manner, as long as doing so does not interfere with conducting an investigation of the specific allegations or taking corrective action.

Pursuant to § 75-b of the Civil Service Law, the District will not dismiss or take other disciplinary action against an employee because the employee discloses to the Superintendent or the Board, or when appropriate, another governmental body information: (1) regarding wrongful conduct that creates and presents a substantial and specific danger to the public health or safety; or (ii) which the employee reasonably believes to be true and reasonably believes constitutes an improper governmental action. "Improper governmental action" means any action by the District or a District employee, or an agent of the District, which is undertaken in the performance of official duties and which is in violation of any federal, state or local law, rule or regulation.

Nothing in this policy is intended to interfere with legitimate employment decisions.

The Superintendent may establish regulations necessary to implement this policy.

This policy and accompanying regulations must be given to all employees.

Adoption date: April 10, 2007

Revised: May 24, 2016

Revised: January 9, 2018



Book	Policy Manual
Section	5000 Students
Title	Code of Conduct
Code	5300
Status	Active
Last Revised	July 13, 2016
Last Reviewed	May 24, 2022

I. Introduction

The Board of Education ("board") is committed to providing a safe and orderly school environment where students may receive and district personnel may deliver quality educational services without disruption or interference. Responsible behavior by students, teachers, other district personnel, parents and other visitors is essential to achieving this goal.

The district has a longstanding set of expectations for conduct on school property and at school functions. These expectations are based on the principles of civility, mutual respect, citizenship, character, tolerance, honesty and integrity.

The board recognizes the need to clearly define these expectations for acceptable conduct on school property, to identify the possible consequences of unacceptable conduct, and to ensure that discipline when necessary is administered promptly and fairly. To this end, the board adopts this code of conduct ("code").

Unless otherwise indicated, this code applies to all students, school personnel, parents and other visitors when on school property or attending a school function.

II. Definitions

For purposes of this code, the following definitions apply.

"Bullying" is a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. This code uses the term bullying (which is usually subsumed under the term "harassment") to describe a range of misbehaviors including, but not limited to, harassment, hazing, intimidation or discrimination.

"Disability" means (a) a physical, mental or medical impairment resulting from anatomical, physiological, genetic or neurological conditions which prevents the exercise of a normal bodily function or is demonstrable by medically accepted clinical or laboratory diagnostic techniques or (b) a record of such an impairment or (c) a condition regarded by others as such an impairment, provided, however, that in all provisions of this article dealing with employment, the term shall be limited to disabilities which, upon the provision of reasonable accommodations, do not prevent the complainant from performing in a reasonable manner the activities involved in the job or occupation sought or held. (N.Y. Executive Law §292.21)

"Discrimination" is the act of denying rights, benefits, justice, equitable treatment or access to an individual or to a group of people because of the group, class or category to which that person belongs.

"Disruptive student" means an elementary or secondary student under the age of 21 who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom.

"Employee" means any person receiving compensation from a school district or employee of a contracted service provider or worker placed within the school under a public assistance employment program, pursuant to title nine-B of article five of the social services law, and consistent with the provisions of such title for the provision of services to such district, its students or employees, directly or through contract, whereby such services performed by such person involve direct student contact. (N.Y. Education Law §1125.3)

“Gender” means actual or perceived sex, and a person’s gender identity or expression. (N.Y. Education Law §11.6)

“Gender Identity is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

“Gender Expression” is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyle, activities, voice or mannerisms.

“Harassment under the Dignity Act” means the creation of a hostile environment by conduct or by verbal threats, intimidation or abuse that has or would have the effect of unreasonably and substantially interfering with a student’s educational performance, opportunities or benefits or mental, emotional or physical well being: or conduct, verbal threats, intimidation or abuse that reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; such conduct, verbal threats, intimidation or abuse includes but is not limited to conduct, verbal threats, intimidation or abuse based on a person’s actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (identity or expression) or sex. (N.Y. Education Law §11.7).

“Hazing” is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

“Parent” means parent, guardian or person in parental relation to a student.

“School Bus” means every motor vehicle a) owned by a public or governmental agency or private school and operated for the transportation of pupils, children of pupils, teachers and other person acting in a supervisory capacity, to or from school or school activities, or b) privately owned and operated-for-compensation for the transportation of pupils, children of pupils, teachers and other persons acting in a supervisory capacity to or from school or school activities. (N.Y. Vehicle and Traffic Law § 142)

“School function” means any school sponsored extracurricular event or activity. (N.Y. Education Law §11.2)

“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 a public elementary or secondary school, or in or on a school bus, as defined in Vehicle and Traffic Law §142. (N.Y. Education Law §11.1)

“Sexual orientation” means actual or perceived heterosexuality, homosexuality or bisexuality. (N.Y. Education Law §11.5)

“Violent student” means a student under the age of 21 who:

1. Commits an act of violence upon a school employee, or attempts to do so.
2. Commits, while on school property or at a school function, an act of violence upon another student or any other person lawfully on school property or at the school function, or attempts to do so.
3. Possesses a weapon while on school property or at a school function.
4. Displays, while on school property or at a school function, what appears to be a weapon.
5. Threatens, while on school property or at a school function, to use a weapon.
6. Knowingly and intentionally damages or destroys the personal property of any school employee or any person lawfully on school property or at a school function.
7. Knowingly and intentionally damages or destroys school district property.

“Weapon” means a firearm as defined in 18 U.S.C. §921 for purposes of the Gun Free Schools Act. It also means any other gun, BB gun, pistol, revolver, shotgun, rifle, machine gun, disguised gun, dagger, dirk, razor, stiletto, switchblade knife, gravity knife, brass knuckles, sling shot, metal knuckle knife, box cutter, cane sword, electronic dart gun, Kung Fu star, electronic stun gun, pepper spray or other noxious spray, explosive or incendiary bomb, or other device, instrument, material or substance that can cause physical injury or death when used to cause physical injury or death.

III. Student Rights and Responsibilities

A. Student Rights

The district is committed to safeguarding the rights given to all students under federal and state law and district policy. In addition, to promote a safe, healthy, orderly and supportive school environment, all district students have the right to:

1. Take part in all district activities on an equal basis regardless of actual or perceived race, weight, color, creed, national origin, ethnic group, religion, religious practice, gender or sexual orientation or disability.
2. Present their version of the relevant events to school personnel authorized to impose a disciplinary penalty in connection with the imposition of the penalty.
3. Access school policies, regulations, and rules and, when necessary, receive an explanation of those rules from school personnel.
4. Grow, develop, and learn in a safe school environment.

B. Student Responsibilities

All district students have the responsibility to:

1. Contribute to maintaining a safe, supportive, and orderly school environment that is conducive to learning and to show respect to other persons and to property.
2. Be familiar with and abide by district policies, rules and regulations dealing with student conduct.
3. Attend school every day unless they are legally excused and be in class, on time, and prepared to learn.
4. Work to the best of their ability in all academic and extracurricular pursuits and strive toward their highest level of achievement possible.
5. React to directions given by teachers, administrators and other school personnel in a respectful, positive manner.
6. Work to develop mechanisms to manage their anger.
7. Ask questions when they do not understand.
8. Seek help in solving problems.
9. Dress appropriately for school and school functions.
10. Accept responsibility for their actions.
11. Conduct themselves as representatives of the district when participating in or attending school sponsored extracurricular events and to hold themselves to the highest standards of conduct, demeanor, and sportsmanship.
12. Report a threat or any potential act of violence without fear of retaliation.

IV. Essential Partners

A. Parents

All parents are expected to:

1. Recognize that the education of their child(ren) is a joint responsibility of the parents and the school community and collaborate with the district to improve their child's educational opportunities.
2. Send their children to school ready to participate and learn.
3. Ensure their children attend school regularly and on time.
4. Ensure absences are legal and excused.
5. Insist their children be dressed and groomed in a manner consistent with the student dress code.
6. Help their children understand that in a democratic society appropriate rules are required to maintain a safe, orderly environment.
7. Know school rules and help their children understand them so that their children can help create a safe, supportive school environment.
8. Convey to their children a supportive and respectful attitude toward education and the district.
9. Build positive, constructive relationships with teachers, other parents and their children's friends.
10. Help their children deal effectively with peer pressure.
11. Inform school officials of changes in the home situation that may affect student conduct or performance.
12. Provide a place for study and ensure homework assignments are completed.

B. Teachers

All district teachers are expected to:

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex, which will strengthen students' self-concept and promote confidence to learn.
2. Be prepared to teach.
3. Demonstrate interest in teaching and concern for student achievement.
4. Know school policies and rules, and enforce them in a fair and consistent manner.
5. Maintain confidentiality in conformity with federal and state law.
6. Communicate to students and parents:
 - a. Course objectives and requirements
 - b. Marking/grading procedures
 - c. Assignment deadlines
 - d. Expectations for students
 - e. Classroom discipline plan.
7. Communicate regularly with students, parents and other teachers concerning growth and achievement.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces, in conformity with the Taylor Law.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students in the school or classroom setting.

C. School Counselors

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Assist students in coping with peer pressure and emerging personal, social and emotional problems.
3. Initiate teacher/student/counselor conferences and parent/teacher/student/counselor conferences, as necessary, as a way to resolve problems.

4. Regularly review with students their educational progress and career plans.
5. Maintain confidentiality in accordance with federal and state law.
6. Provide information to assist students with career planning.
7. Encourage students to benefit from the curriculum and extracurricular programs.
8. Make known to students and families the resources in the community that are available to meet their needs.
9. Participate in school-wide efforts to provide adequate supervision in all school spaces.
10. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
11. Address personal biases that may prevent equal treatment of all students.

D. Other School Personnel

1. Maintain a climate of mutual respect and dignity for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Be familiar with the code.
4. Help children understand the district's expectations for maintaining a safe, orderly environment.
5. Participate in school-wide efforts to provide adequate supervision in all school spaces.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students.

E. Principals/Administrators

1. Promote a safe, orderly, caring, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Ensure that students and staff have the opportunity to communicate regularly with the principal or other building administrators, ensuring that students and staff have the opportunity to approach the principal with issues and concerns.
3. Maintain confidentiality in accordance with federal and state law.
4. Evaluate on a regular basis all instructional programs to ensure infusion of civility education in the curriculum.
5. Support the development of and student participation in appropriate extracurricular activities.
6. Provide support in the development of the code, when called upon. Disseminate the code and anti-harassment policies.
7. Be responsible for enforcing the code and ensuring that all cases are resolved promptly and fairly.
8. Participate in school-wide efforts to provide adequate supervision in all school spaces.
9. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
10. Address personal biases that may prevent equal treatment of all students and staff.
11. Investigate building-level complaints of bullying and/or harassment.

F. The Dignity Act Coordinator(s)

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Oversee and coordinate the work of the district-wide and building-level bullying prevention committees.
3. Identify curricular resources that support infusing civility in classroom instruction and classroom management; and provide guidance to staff as to how to access and implement those resources.
4. Along with the Professional Development Committee, coordinate training in support of the bullying prevention committee.
5. Be responsible for monitoring and reporting on the effectiveness of the district's bullying prevention policy.
6. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
7. Address personal biases that may prevent equal treatment of all students and staff.
8. Investigate building-level complaints of bullying and/or harassment when designated by a building principal.

G. Superintendent

1. Promote a safe, orderly, caring, and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Inform the Board about educational trends relating to student discipline.
3. Review with district administrators the policies of the board of education and state and federal laws relating to school operations and management.
4. Maintain confidentiality in accordance with federal and state law.
5. Work to create instructional programs that minimize incidents of misconduct and are sensitive to student and teacher needs.
6. Work with district administrators in enforcing the code and ensuring that all cases are resolved promptly and fairly.
7. Participate in school-wide efforts to provide adequate supervision in all school spaces.

8. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
9. Address personal biases that may prevent equal treatment of all students and staff.
10. Investigate, or appoint a designee to investigate, complaints of bullying and/or harassment that are appealed to the Superintendent following an initial investigation by the building principal or the building principal's designee.

H. Board of Education

1. Promote a safe, orderly and stimulating school environment, supporting active teaching and learning for all students regardless of actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender or sex.
2. Maintain confidentiality in accordance with federal and state law.
3. Develop and recommend a budget that provides programs and activities that support achievement of the goals of the code.
4. Collaborate with student, teacher, administrator, and parent organizations, school safety personnel and other school personnel to develop a code that clearly defines expectations for the conduct of students, district personnel and visitors on school property and at school functions.
5. Adopt and review at least annually the district's code to evaluate the code's effectiveness and the fairness and consistency of its implementation.
6. Lead by example by conducting board meetings in a professional, respectful, courteous manner.
7. Address issues of harassment or any situation that threatens the emotional or physical health or safety of any student, school employee, or any person who is lawfully on school property or at a school function.
8. Address personal biases that may prevent equal treatment of all students and staff.
9. Conduct a hearing regarding a complaint of bullying and/or harassment that is appealed to the board after an investigation by the building principal or building principal's designee and the Superintendent or Superintendent's designee.

V. Student Dress Code

All students are expected to give proper attention to personal cleanliness and to dress appropriately for school and school functions. Students and parents have the responsibility of being familiar with the school district's dress code and presenting the student for attendance at school in acceptable and age appropriate dress and appearance.

Teachers and all other district personnel should exemplify and reinforce acceptable student dress and help students develop an understanding of age appropriate appearance in the school setting.

DRESS CODE:

1. Clothing, jewelry and footwear should be sensible, safe and not expose any student to danger including the student him/herself. Footwear must be worn at all times for safety reasons.
2. All attire should be worn in good taste and not be distracting or disruptive to the educational process. Brief garments and transparent clothing are not proper attire for the classroom setting.
3. The wearing of clothes or any attire that depicts violence of any nature or that signifies gang affiliation is strictly prohibited. Attire that promotes or displays use of alcohol, tobacco, illegal drugs or sexual innuendo is strictly prohibited as well.
4. Any attire that is offensive in regard to race, creed, color, national origin, gender, sexual orientation or physical or mental disability is prohibited as well as attire that displays that which may be interpreted as vulgar, obscene or libelous.
5. Students are required to wear protective gear/clothing in certain classes as deemed necessary and appropriate by staff for the student's own safety and well-being (as in labs, technology classes, family and consumer science classes, physical education, etc.).

Individual building practices, consistent with the above dress code policy, shall be distributed by each school's administration in order to inform all students and their parents of the student dress code at the beginning of the school year and any revisions to the dress code made during the school year.

Students who violate the student dress code shall be required to modify their appearance by covering or removing the offending item and, if necessary or practical, replacing it with an acceptable item. Any student who refuses to do so shall be subject to discipline, up to and including in-school suspension for the day. Any student who repeatedly fails to comply with the dress code shall be subject to further discipline, up to and including out of school suspension.

VI. Prohibited Student Conduct

The board expects all students to conduct themselves in an appropriate and civil manner, with proper regard for the rights and welfare of other students, district personnel and other members of the school community, and for the care of school facilities and equipment.

The board, administration and faculty of the Smithtown Central School District believes that there are several principles that guide behavior both in school and in society. First and foremost is the belief that individuals are responsible for their own actions; they have the ability to make choices and are therefore accountable for them. Just as rewards are one end product of positive acceptable actions, unacceptable actions result in consequences. This code creates a safe, predictable educational environment while preparing students to be responsible members of the community. A second guiding principle of this code is to assure the academic, social, personal, and emotional success of all the students in our schools. Students' actions should reflect respect for themselves, their peers, those who guide them in school, their families and society in general.

To these ends students are encouraged to identify and develop their own unique attitudes, abilities, and interests within the bounds set forth in this code. They must learn to work with others and share with them the privileges and responsibilities of good citizenship. In order to uphold the integrity of the disciplinary process, this code is designed to maintain students' dignity while treating infractions in a consistent manner. It is impossible, however to create examples that are all-inclusive. Therefore, each situation will be evaluated thoroughly by educational staff and administrative discretion will be applied appropriately.

Students may be subject to disciplinary action, up to and including suspension from school, when they:

A. Engage in conduct that is disorderly. Examples of disorderly conduct may include but are not limited to:

1. Running in hallways.
2. Making unreasonable noise.
3. Using language or gestures that are profane, lewd, vulgar or abusive.
4. Obstructing vehicular or pedestrian traffic.
5. Engaging in any willful act which disrupts the normal operation of the school community.
6. Trespassing. Students are not permitted in any school building, other than the one they regularly attend, without permission from the administrator in charge of the building.
7. Computer/electronic communications misuse, including any unauthorized use of computers, software, or internet/intranet account; accessing inappropriate websites; or any other violation of the district's acceptable use policy.

B. Engage in conduct that is insubordinate. Examples of insubordinate conduct may include but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school employees in charge of students or otherwise demonstrating disrespect
2. Lateness for, missing or leaving school without permission
3. Not reporting to detention

C. Engage in conduct that is disruptive. Examples of disruptive conduct may include but are not limited to:

1. Failing to comply with the reasonable directions of teachers, school administrators or other school personnel in charge of students.
2. Inappropriate public sexual behavior.
3. Display or use of personal electronic devices, such as, but not limited to, cell phones, I-pods, digital cameras, in a manner that is in violation of district policy.

D. Engage in conduct that is violent. Examples of violent conduct may include but are not limited to:

1. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon a teacher, administrator or other school employee or attempting to do so.
2. Committing an act of violence (such as hitting, kicking, punching, and scratching) upon another student or any other person lawfully on school property or attempting to do so.
3. Possessing a weapon. Authorized law enforcement officials are the only persons permitted to have a weapon in their possession while on school property or at a school function.
4. Displaying what appears to be a weapon.
5. Threatening to use any weapon.
6. Intentionally damaging or destroying the personal property of a student, teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
7. Intentionally damaging or destroying school district property.

E. Engage in any conduct that endangers the safety, physical or mental health, morals, or welfare of others. Examples of such conduct may include but are not limited to:

1. Subjecting other students, school personnel or any other person lawfully on school property or attending a school function, to danger by recklessly engaging in conduct which creates a substantial risk of physical injury.
2. Lying to school personnel.
3. Stealing or attempting to steal the property of other students, school personnel or any other person lawfully on school property or attending a school function.
4. Defamation, which includes making false or unprivileged statements or representations about an individual or identifiable group of individuals that harm the reputation of the person or the identifiable group by demeaning them.
5. Discrimination, which includes using race, color, creed, national origin, ethnic group, religion, religious practice, sex, gender (identity and expression), sexual orientation, weight or disability to deny rights, equitable treatment or access to facilities available to others.
6. Harassment, or bullying includes a sufficiently severe action or a persistent, pervasive pattern of actions or statements directed at an identifiable individual or group which are intended to be or which a reasonable person would perceive as ridiculing, demeaning or threatening. Harassment is also the creation of a hostile environment. Intimidation, which includes engaging in actions or statements that, put an individual in fear of bodily harm.
7. Bullying, which may be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Hazing, which includes an induction, initiation or membership process involving harassment
8. Using vulgar or abusive language, cursing or swearing.

9. Smoking and/or possessing a cigarette of any kind including an electronic cigarette, any type of vaporizer, cigar, pipe or using chewing or smokeless tobacco.
10. Possessing, consuming, selling, distributing or exchanging alcoholic beverages or illegal substances, or being under the influence of either. "Illegal substances" include, but are not limited to, inhalants, marijuana (including Synthetic Cannabinoids), cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alike drugs, and any substances commonly referred to as "designer drugs."
11. Possessing, using, and/or sharing drug paraphernalia.
12. Inappropriately using, possessing or sharing prescription and over-the-counter drugs.
13. Gambling.
14. Indecent exposure, that is, exposure to sight of the private parts of the body in a lewd or indecent manner.
15. Possessing or distributing pornographic material.
16. Selling, using or possessing obscene material.
17. Initiating a report warning of fire or other catastrophe without valid cause, misuse of 911, or discharging a fire extinguisher.

F. Engage in misconduct while on a school bus. It is crucial for students to behave appropriately while riding on district buses to ensure their safety and that of other passengers and to avoid distracting the bus driver. Students are required to conduct themselves on the bus in a manner consistent with established standards for classroom behavior. Excessive noise, pushing, shoving and fighting will not be tolerated.

G. Engage in any form of academic misconduct. Examples of academic misconduct may include but are not limited to:

1. Plagiarism.
2. Cheating.
3. Copying.
4. Altering records.
5. Assisting another student in any of the above actions.

H. Engage in off-campus misconduct that interferes with, or can reasonably be expected to substantially disrupt the education process in the school or at a school function. Examples of such misconduct include, but are not limited to:

1. Cyberbullying (i.e., inflicting willful harm through the use of any electronic and/or video means).
2. Threatening or harassing students or school personnel over the phone or internet.
3. Using message boards or websites to convey threats, derogatory comments or post pornographic or other inappropriate pictures of students or school personnel.

I. Alcohol Detection Guidelines

The Smithtown Central School District in compliance with existing BOE School Policy: Section 5290 (Alcohol Detection) and Section 5300 – 12 (Code of Conduct - Student Searches and Interrogations) is committed to discouraging and eliminating use of alcohol by students attending school functions or activities. Students for whom there is a reasonable suspicion of the use of alcohol may be required to submit to alcohol detection.

To ensure the safety and welfare of students, all school officials responsible for making such a determination are required to participate in the Drug Impairment Training for Education Professionals (DITEP). The DITEP program consists of two days of professional development provided by the Suffolk County Police Department at the request of the District. The DITEP program covers the following:

- Drugs in Society
- Policy, Procedures and Rules
- Overview of Alcohol Drug Identification; Categories, Effects and Assessment Process
- Eye Examinations
- Vital Signs
- Divided Attention Tests
- Poly Drugs
- Contacting Parent(s)/Guardian(s)

The school officials tasked with performing alcohol detection include, but are not limited to: Principals, Assistant Principals, Nurses, Counselors, Social Workers and Security.

Procedure for Alcohol Detection

In the event a student or their guest(s) presents with indications of alcohol impairment as described in the DITEP program, school officials will conduct a series of assessments to confirm suspicions. These assessments include physical examinations as described in the DITEP program, and may include the use of an Alcohol Detection Device.

The determination of reasonable suspicion will be based on, but not limited to, any one or more of the following indicators:

- Flushed face
- Red, watery, glassy or bloodshot eyes
- Odor of alcohol on breath, clothing or person
- Slurred speech/unable to follow instructions
- Failure to comprehend questions
- Impaired motor skills (i.e. unsteady feet, swaying, etc.)
- Being combative, argumentative or inordinately jovial while talking
- Lack of awareness in regards to time and place

- Vomiting
- Found in possession of product containing alcohol

If a school official has reasonable suspicion that a student has consumed alcohol, based on one or more of the above indicators or other reasonable indicators, the school official shall request the student submit to a series of assessments as outlined by the DITEP training program. These assessments shall be administered privately by the trained and certified school official in the presence of a witness. Any use of an alcohol detection device must be done after a minimum of fifteen minutes has elapsed from any form of consumption including but not limited to: eating, drinking, use of mouthwash, breath sprays, and/or chewing gum.

If an alcohol detection device is used and the test is positive, unless the student verbally admits alcohol consumption, the school official shall conduct a confirmation test waiting at least fifteen minutes from the first test. If the student admits consuming or the second test results are positive the school official will:

1. Notify the student's parent or guardian and request that the student be returned home under parental supervision
2. Contact emergency medical help if the student is assessed to be at risk for alcohol poisoning and/or in need of medical assistance.

Pursuant to New York State Law, disciplinary action will be taken as indicated by Board Policy 5300 (Code of Conduct), and the administrative regulations outlined in the student handbook. The district administration shall retain positive test records only during the student's enrollment in Smithtown Central School District.

If an alcohol detection device is used and the test is negative, the student may receive permission to resume unrestricted activity providing the school official does not suspect the use of other drugs and/or other disciplinary rules do not apply to the student's untoward behavior. If the school official suspects the use of other drugs as informed by the DITEP program or conduct himself/herself in an appropriate manner, the student will be retained for his/her safety. The school official will contact the student's parent or guardian, describe the situation and request that the student be returned home for disciplinary purposes and/or medical evaluation.

If a student refuses to submit to an alcohol detection device test, the student will be deemed to have tested positive and will be subject to all disciplinary measures as defined by Board Policy 5300 (Code of Conduct). The school official will notify parent(s) or guardian(s) and request that the student be returned home.

Records of students passing, failing or refusing to take an alcohol detection device test as outlined above will be maintained by the District using an Alcohol Detection Device Event Record form but will not be considered a part of the student's permanent academic record. Such records may be used by school personnel only to the extent necessary to administer this policy and the Code of Conduct for before, during and/or after the school day or at school related/sponsored activities. The records and information contained therein shall not otherwise be released to anyone.

SMITHTOWN CENTRAL SCHOOL DISTRICT

ALCOHOL DETECTION DEVICE EVENT RECORD

Location of Violation:	_____	Date:	_____
Name:	_____	Time:	_____
Guest of:	_____		_____
School:	_____	Grade:	_____

Basis of Reasonable Suspicion for Consumption of Alcohol – Check All That Apply:

() Flushed Face, () Red, watery, glassy or bloodshot eyes, () Odor of alcohol on breath, clothing or person () Slurred Speech, unable to follow instructions () Failure to comprehend questions, () Impaired motor skills (i.e. unsteady on feet), () Being combative, argumentative or jovial while talking, () Lack of awareness in regards to time and place, () Vomiting

() Found in possession of product containing alcohol: Product: _____

Student when asked if they have consumed alcohol responds: () Yes () No

Observed by:

Witnessed by:

Alcohol Detection Device testing in accordance with BOE policy 5290

- () Student voluntarily consents to testing
 () Student refuses to testing
 () Parental/Guardian contact regarding testing... Parent/Guardian Name:

Alcohol Detection Device testing results

Initial Contact Time: _____ (confirm no further consumption of any kind)

1st Test Period Time: _____ (at least 15 minutes)

2nd Test Period Time _____ (at least 15 minutes)

Observed by:

Witnessed by:

Reading: _____ () positive () negative () positive by refusal to consent to test

() student picked up by parent/guardian () student transported to hospital – Time: _____

Name of Parent/Guardian:

Phone number:

If appropriate, document student explanation as to reason for positive test result on back...

VII. Reporting Violations

All students are expected to promptly report violations of the code to a teacher, school counselor, the building principal or his or her designee. Any student observing a student possessing a weapon, alcohol or illegal substance on school property or at a school function shall report this information immediately to a teacher, the building principal, the principal's designee or the superintendent.

All district staff members who are authorized to impose disciplinary sanctions are expected to do so in a prompt, fair and lawful manner. District staff members who are not authorized to impose disciplinary sanctions are expected to promptly report violations of the code to their supervisor, who shall in turn impose an appropriate disciplinary sanction, if so authorized, or refer the matter to a staff member who is authorized to impose an appropriate sanction.

Any weapon, alcohol or illegal substance found shall be confiscated immediately, if possible, followed by notification to the parent of the student involved and the appropriate disciplinary sanction if warranted, which may include permanent suspension and referral for prosecution.

The building principal or his or her designee must notify the appropriate local law enforcement agency of those code violations that constitute a crime and substantially affect the order or security of a school as soon as practical. The notification will be made by telephone to 911, followed by a written police report.

VIII. Disciplinary Penalties, Procedures and Referrals

Discipline is most effective when it deals directly with the problem at the time and place it occurs, and in a way that students view as fair and impartial. School personnel who interact with students are expected to use disciplinary action only when necessary and to place emphasis on the students' ability to grow in self-discipline.

The code provides a description of a broad range of behavior considered to be student misconduct. The behaviors described should be viewed as those which most frequently cause a disruption to the educational process.

When administering discipline, district personnel should adhere to the following guidelines:

Discipline shall be administered when necessary to ensure the safety of the school, its personnel and its students.

Students shall be treated fairly and with dignity. Discipline shall be based on a careful assessment of the circumstances of each case and may include but not be limited to:

1. Seriousness of the offense
2. Students' age
3. Frequency of the misconduct
4. Students' attitude
5. Potential effect of the misconduct on the social environment and
6. State & Federal Law
7. The effectiveness of other forms of discipline

8. Information from parents, teachers and/or others, as appropriate

As a general rule, discipline will be progressive. This means that a student's first violation will usually merit a lighter penalty than subsequent violations.

If the conduct of a student is related to a disability or suspected disability, the student shall be referred to the Committee on Special Education and discipline, if warranted, shall be administered consistent with the separate requirements of this code for disciplining students with a disability or presumed to have a disability. A student identified as having a disability shall not be disciplined for behavior related to his/her disability, unless the discipline is consistent with the student's individualized education plan (IEP).

A. Penalties

Students who are found to have violated the district's code may be subject to the following penalties, either alone or in combination. The school personnel identified after each penalty are authorized to impose that penalty, consistent with the student's right to due process.

1. Oral warning – any member of the district staff
2. Written warning – bus drivers, hall and lunch monitors, coaches, school counselors, teachers, principal, building administrators, superintendent
3. Written notification to parent –coaches, school counselors, teachers, building administrators, principal, superintendent
4. Detention – teachers, building administrators, principal, superintendent
5. Removal or suspension from transportation – director of transportation, building administrators, principal, superintendent
6. Restriction, removal, or suspension from athletic participation – coaches, building administrators, principal, superintendent
7. Restriction or suspension from social or extracurricular activities – activity director, building administrators, principal, superintendent
8. Restriction or suspension of other privileges – building administrators, principal, superintendent
9. In-school suspension – principal, superintendent
10. Removal from classroom by teacher – teachers, principal, building administrator designated by principal
11. Short-term (five days or less) suspension from school – principal, superintendent, board
12. Long-term (more than five days) suspension from school – principal, superintendent, board
13. Referral to Family Court Diversion Program or Peer Mediation or Youth Court- building principal, Superintendent.
14. Permanent suspension from school – superintendent, board of education.

B. Procedures

The amount of due process a student is entitled to receive before a penalty is imposed depends on the penalty being imposed. In all cases, regardless of the penalty imposed, the school personnel authorized to impose the penalty must inform the student of the alleged misconduct and must investigate, to the extent necessary, the facts surrounding the alleged misconduct. All students will have an opportunity to present their version of the facts to the school personnel imposing the disciplinary penalty in connection with the imposition of the penalty.

Students who are to be given penalties other than an oral warning, written warning or written notification to their parents are entitled to additional rights before the penalty is imposed. These additional rights are explained below.

1. Detention

Teachers, principals and the superintendent may use after school detention as a penalty for student misconduct in situations where removal from the classroom or suspension would be inappropriate. Detention will be imposed as a penalty only after the student's parent has been notified to confirm that there is no parental objection to the penalty and the student has appropriate transportation home following detention.

2. Suspension from transportation

If a student does not conduct himself/herself properly on a bus, the bus driver is expected to bring such misconduct to the building principal's attention. A student who becomes a serious disciplinary problem or becomes a danger to himself/herself or jeopardizes the safety of others may have his/her riding privileges suspended by the building principal or the superintendent or their designees. In such cases, the student's parent will become responsible for seeing that his or her child gets to and from school safely. Should the suspension from transportation amount to a suspension from attendance, the district will make appropriate arrangements to provide for the student's education.

A student subjected to a suspension from transportation is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the building principal or the principal's designee to discuss the conduct and the penalty involved.

3. Suspension from athletic participation, extra curricular activities and other privileges

A student subjected to a suspension from athletic participation, extracurricular activities or other privileges is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the suspension to discuss the conduct and the penalty involved.

4. In-school suspension

The board recognizes the school must balance the need of students to attend school and the need for order in the classroom to establish an environment conducive to learning. As such, the board authorizes building principals and the superintendent to place students who would otherwise be suspended from school as the result of a code violation in "in-school suspension." In-school suspension will be monitored by a certified teacher or teacher assistant.

A student subjected to an in-school suspension is not entitled to a full hearing pursuant to Education Law §3214. However, the student and the student's parent will be provided with a reasonable opportunity for an informal conference with the district official imposing the in-school suspension to discuss the conduct and the penalty involved. Any student suspended, shall be provided with assignments for the day/days the student is serving the suspension.

5. Teacher disciplinary removal of disruptive students

A student's behavior can affect a teacher's ability to teach and can make it difficult for other students in the classroom to learn. In most instances the classroom teacher can control a student's behavior and maintain or restore control over the classroom by using good classroom management techniques. These techniques may include practices that involve the teacher directing a student to briefly leave the classroom to give the student an opportunity to regain his or her composure and self-control in an alternative setting. Such practices may include, but are not limited to: (1) a short-term "time out" in an elementary classroom or in an administrator's office; (2) sending a student into the hallway briefly; (3) sending a student to the principal's office or to the appropriate administrative office for the remainder of class time only; or (4) referring the student to the school counselor or department of social services for follow up. The teacher shall follow up with a referral explaining the reason for the removal from class. Time-honored classroom management techniques such as these do not constitute disciplinary removals for purposes of this code.

On occasion, a student's behavior may become disruptive. For purposes of this code, a disruptive student is a student who is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom. A substantial disruption of the educational process or substantial interference with a teacher's authority occurs when a student demonstrates a persistent unwillingness to comply with the teacher's instructions or repeatedly violates the teacher's classroom behavior rules.

A classroom teacher may remove a disruptive student from class for up to two days. The removal from class applies to the class of the removing teacher only.

At the secondary level, the student must be sent to the appropriate administrative office. At the elementary level, the student must be sent to the principal's office.

If the student does not pose a danger or ongoing threat of disruption to the educational process, the student should be warned of the consequences regarding his/her actions. If the misconduct continues the student should be sent to the appropriate administrative office. The teacher will follow up with a referral of the incident, this should occur by the end of the day. An informal conference with the teacher and student should be held within 24 hours of the incident.

The student's parents will be notified in writing within 24 hours that the student was removed from class. This note shall include the reason, as well as the consequence (s). The notice must also state that the parent, upon request, has the right to an informal conference with the principal or the principal's designee.

The written notice must be provided by personal delivery, overnight mail, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the student's removal at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting parents.

The principal may require the teacher who ordered the removal to attend the informal conference.

If at the informal meeting the student denies the charges, the principal or the principal's designee must explain why the student was removed and give the student and the student's parents a chance to present the student's version of the relevant events. The informal meeting must be held within 48 hours of the student's removal. The timing of the informal meeting may be extended by mutual agreement of the parent and principal.

The principal or the principal's designee may overturn the removal of the student from class if the principal finds any one of the following:

1. The charges against the student are not supported by substantial evidence.
2. The student's removal is otherwise in violation of law, including the district's code.
3. The conduct warrants suspension from school pursuant to Education Law §3214 and a suspension will be imposed.

The principal or his or her designee may overturn a removal at any point between receiving the referral form issued by the teacher and the close of business on the day following the 48 hour period for the informal conference, if a conference is requested. No student removed from the classroom by the classroom teacher will be permitted to return to the classroom until the principal makes a final determination, or the period of removal expires, whichever is less.

Any disruptive student removed from the classroom by the classroom teacher shall be offered continued educational programming and activities until he or she is permitted to return to the classroom.

Each teacher must keep a complete log (on a district provided form) for all cases of removal of students from his or her class. The principal must keep a log of all removals of students from class.

Removal of a student with a disability, under certain circumstances, may constitute a change in the student's placement. Accordingly, no teacher may remove a student with a disability from his or her class until he or she has verified with the principal or the chairperson of the Committee on Special Education that the removal will not violate the student's rights under state or federal law or regulation.

6. Suspension from school

Suspension from school is a severe penalty, which may be imposed only upon students who are insubordinate, disorderly, violent or disruptive, or whose conduct otherwise endangers the safety, morals, health or welfare of others.

The board retains its authority to suspend students, but places primary responsibility for the suspension of students with the superintendent and the building principals.

Any staff member may recommend to the superintendent or the principal that a student be suspended. This recommendation may be verbal, then followed by a written request. All staff members must immediately report and refer a violent student to the principal or the superintendent for a violation of the code. All recommendations and referrals shall be made in writing unless the conditions underlying the recommendation or referral warrant immediate attention. In such cases a written report is to be prepared as soon as possible by the staff member recommending the suspension.

The superintendent or principal, upon receiving a recommendation or referral for suspension or when processing a case for suspension, shall gather the facts relevant to the matter and record them for subsequent presentation, if necessary.

a. Short-term (5 days or less) suspension from school When the superintendent or principal (referred to as the "suspending authority") proposes to suspend a student charged with misconduct for five days or less pursuant to Education Law §3214(3), the suspending authority must immediately notify the student orally. If the student denies the misconduct, the suspending authority must provide an explanation of the basis for the proposed suspension. The suspending authority must also notify the student's parents in writing that the student may be suspended from school. The written notice must be provided by personal delivery, overnight or registered mail, express mail delivery, or some other means that is reasonably calculated to assure receipt of the notice within 24 hours of the decision to propose suspension at the last known address for the parents. Where possible, notice should also be provided by telephone if the school has been provided with a telephone number(s) for the purpose of contacting the parents.

The notice shall provide a description of the charges against the student and the incident for which suspension is proposed and shall inform the parents of the right to request an immediate informal conference with the principal. Both the notice and informal conference shall be in the dominant language or mode of communication used by the parents. At the conference, the parents shall be permitted to ask questions of complaining witnesses under such procedures as the principal may established.

The notice and opportunity for an informal conference shall take place before the student is suspended unless the student's presence in school poses a continuing danger to persons or property or an ongoing threat of disruption to the academic process. If the student's presence does pose such a danger or threat of disruption, the notice and opportunity for an informal conference shall take place as soon after the suspension as is reasonably practicable.

After the conference, the principal shall promptly advise the parents in writing of his or her decision. The principal shall advise the parents that if they are not satisfied with the decision and wish to pursue the matter, they must file a written appeal to the superintendent within 10 business days, unless they can show extraordinary circumstances precluding them from doing so. The superintendent shall issue a written decision regarding the appeal within 10 business days of receiving the appeal. If the parents are not satisfied with the superintendent's decision, they must file a written appeal to the board with the district clerk within 10 business days of the date of the superintendents' decision, unless they can show extraordinary circumstances precluding them from doing so. Only final decisions of the Board may be appealed to the Commissioner within 30 days of the decision.

b. Long-term (more than 5 days) suspension from school

When the superintendent or building principal determines that a suspension for more than five days may be warranted, he or she shall give reasonable notice to the student and the student's parents of their right to a fair hearing. At the hearing the student shall have the right to be represented by counsel, the right to question witnesses against him or her and the right to present witnesses and other evidence on his or her behalf.

The superintendent shall personally hear and determine the proceeding or may, in his or her discretion, designate a hearing officer to conduct the hearing. The hearing officer shall be authorized to administer oaths and to issue subpoenas in conjunction with the proceeding before him or her. A record of the hearing shall be maintained, but no stenographic transcript shall be required. A tape recording shall be deemed a satisfactory record. The hearing officer shall make findings of fact and recommendations as to the appropriate measure of discipline to the superintendent. The report of the hearing officer shall be advisory only, and the superintendent may accept all or any part thereof.

An appeal of the decision of the superintendent may be made to the board that will make its decision based solely upon the record before it. All appeals to the board must be in writing and submitted to the district clerk within 30 days of the date of the superintendent's decision, unless the parents can show that extraordinary circumstances precluded them from doing so. The board may adopt in whole or in part the decision of the superintendent. Final decisions of the board may be appealed to the Commissioner within 30 days of the decision.

c. Permanent suspension

Permanent suspension is reserved for extraordinary circumstances such as where a student's conduct poses a life-threatening danger to the safety and well-being of other students, school personnel or any other person lawfully on school property or attending a school function.

C. Minimum Periods of Suspension

1. Students who bring a weapon to school

Any student, other than a student with a disability, found guilty of bringing a weapon onto school property will be subject to suspension from school for at least one calendar year. Before being suspended, the student will have an opportunity for a hearing pursuant to Education Law §3214. The superintendent has the authority to modify the one-year suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the following:

1. The student's age.
2. The student's grade level in school.
3. The student's prior disciplinary record.
4. The superintendent's belief that other forms of discipline may be more effective.
5. Input from parents, teachers and/or others.
6. Other extenuating circumstances.

A student with a disability may be suspended only in accordance with the requirements of state and federal law.

2. Students who commit violent acts other than bringing a weapon to school

Any student, other than a student with a disability, who is found to have committed a violent act, other than bringing a weapon onto school property, shall be subject to suspension from school for at least five days. If the proposed penalty is the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parents will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

3. Students who are repeatedly substantially disruptive of the educational process or repeatedly substantially interfere with the teacher's authority over the classroom.

Any student, other than a student with a disability, who repeatedly is substantially disruptive of the educational process or substantially interferes with the teacher's authority over the classroom will be suspended from school for at least five days. For purposes of this code, "repeatedly is substantially disruptive" means engaging in conduct that results in the student being removed from the classroom by teacher(s) pursuant to Education Law §3214(3a) and this code on four or more occasions during a semester, or three or more occasions during a trimester. If the proposed penalty is the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for an informal conference given to all students subject to a short-term suspension. If the proposed penalty exceeds the minimum five-day suspension, the student and the student's parent will be given the same notice and opportunity for a hearing given to all students subject to a long-term suspension. The superintendent has the authority to modify the minimum five-day suspension on a case-by-case basis. In deciding whether to modify the penalty, the superintendent may consider the same factors considered in modifying a one-year suspension for possessing a weapon.

D. Referrals

1. Counseling

The administrator should make all referrals of the student to the school counselor, school psychologist or social worker.

2. PINS Petitions

The district may file a PINS (person in need of supervision) petition in Family Court on any student under the age of 18 who demonstrates that he or she requires supervision and treatment by:

- a. Being habitually truant and not attending school as required by part one of Article 65 of the Education Law.
- b. Engaging in an ongoing or continual course of conduct which makes the student ungovernable, or habitually disobedient and beyond the lawful control of the school.
- c. Knowingly and unlawfully possesses marijuana in violation of Penal Law § 221.05. A single violation of § 221.05 will be a sufficient basis for filing a PINS petition.

3. Juvenile Delinquents and Juvenile Offenders

The superintendent is required to refer the following students to the County Attorney for a juvenile delinquency proceeding before the Family Court:

- a. Any student under the age of 16 who is found to have brought a weapon to school, or
- b. Any student 14 or 15 years old who qualifies for juvenile offender status under the Criminal Procedure Law §1.20 (42).

The superintendent is required to refer students age 16 and older or any student 14 or 15 years old who qualifies for juvenile offender status to the appropriate law enforcement authorities.

IX. Alternative Instruction

When a student of any age is removed from class by a teacher or a student of compulsory attendance age is suspended from school pursuant to Education Law §3214, the district will take immediate steps to provide alternative means of instruction for the student. The board expects students, administrators, teachers and parents to make every effort to maintain student academic progress in the event of removal or suspension, and support student re-entry to the classroom at the conclusion of the disciplinary action.

X. Discipline of Students with Disabilities

The board recognizes that it may be necessary to suspend, remove or otherwise discipline students with disabilities to address disruptive or problem behavior. The board also recognizes that students with disabilities enjoy certain procedural protections whenever school authorities intend to impose discipline upon them. The board is committed to ensuring that the procedures followed for suspending, removing or otherwise disciplining students with disabilities are consistent with the procedural safeguards required by applicable laws and regulations.

This code affords students with disabilities subject to disciplinary action no greater or lesser rights than those expressly afforded by applicable federal and state law and regulations.

A. Authorized Suspensions or Removals of Students with Disabilities

1. For purposes of this section of the code, the following definitions apply.

A "suspension" means a suspension pursuant to Education Law § 3214.

A "removal" means a removal for disciplinary reasons from the student's current educational placement other than a suspension and change in placement to an interim alternative educational setting (IAES) ordered by an impartial hearing officer because the student poses a risk of harm to himself or herself or others.

An "IAES" means a temporary educational placement for a period of up to 45 days, other than the student's current placement at the time the behavior precipitating the IAES placement occurred, that enables the student to continue to progress in the general curriculum, although in another setting, to continue to receive those services and modifications, including those described on the student's current individualized education program (IEP), that will enable the student to meet the goals set out in such IEP, and include services and modifications to address the behavior which precipitating the IAES placement that are designed to prevent the behavior from recurring.

2. School personnel may order the suspension or removal of a student with a disability from his or her current educational placement as follows:

- a. The board, the district (BOCES) superintendent of schools or a building principal may order the placement of a student with a disability into an IAES, another setting or suspension for a period not to exceed five consecutive school days and not to exceed the amount of time a non-disabled student would be subject to suspension for the same behavior.
- b. The superintendent may order the placement of a student with a disability into an IAES, another setting or suspension for up to 10 consecutive school days, inclusive of any period in which the student has been suspended or removed under subparagraph (a) above for the same behavior, if the superintendent determines that the student has engaged in behavior that warrants a suspension and the suspension or removal does not exceed the amount of time non-disabled students would be subject to suspension for the same behavior.
- c. The superintendent may order additional suspensions of not more than 10 consecutive school days in the same school year for separate incidents of misconduct, as long as those removals do not constitute a change of placement.
- d. The superintendent may order the placement of a student with a disability in an IAES to be determined by the committee on special education (CSE), for the same amount of time that a student without a disability would be subject to discipline, but not more than 45 days, if the student carries or possesses a weapon to school or to a school function, or the student knowingly possesses or uses illegal drugs or sells or solicits the sale of a controlled substance while at school or a school function, or has inflicted serious bodily injury upon another person while at school, on school premises or at a school function under the district's jurisdiction.
 - 1) "Weapon" means the same as "dangerous weapon" under 18 U.S.C. § 930(g)(w) which includes "a weapon, device, instrument, material or substance, animate or inanimate, that is used for, or is readily capable of causing death or serious bodily injury, except...[for] a pocket knife with a blade of less than 2 1/2 inches in length."
 - 2) "Controlled substance" means a drug or other substance identified in certain provisions of the federal Controlled Substances Act specified in both federal and state law and regulations applicable to this policy.
 - 3) "Illegal drugs" means a controlled substance except for those legally possessed or used under the supervision of a licensed healthcare professional or that is legally possessed or used under any other authority under the Controlled Substances Act or any other federal law.
 - 4) "Serious Bodily Harm" means bodily injury which involves a substantial risk of death, extreme physical pain, protracted obvious disfigurement or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

3. Subject to specified conditions required by both federal and state law and regulations, an impartial hearing officer may order the placement of a student with a disability in an IAES setting for up to 45 days at a time, if maintaining the student in his or her current educational placement poses a risk of harm to the student or others.

B. Change of Placement Rule

1. A disciplinary change in placement means a suspension or removal from a student's current educational placement that is either:
 - a. For more than 10 consecutive school days; or
 - b. For a period of 10 consecutive school days or less if the student is subjected to a series of suspensions or removals that constitute a pattern because they cumulate to more than 10 school days in a school year and because of such factors as the length of each suspension or removal, the total amount of time the student is removed and the proximity of the suspensions or removals to one another.
2. School personnel may not suspend or remove a student with disabilities if imposition of the suspension or removal would result in a disciplinary change in placement based on a pattern of suspension or removal.

However, the district may impose a suspension or removal, which would otherwise result in a disciplinary change in placement, based on a pattern of suspensions or removals if the CSE has determined that the behavior was not a manifestation of the student's disability, or the student is placed in an IAES for behavior involving weapons, illegal drugs or controlled substances.

C. Special Rules Regarding the Suspension or Removal of Students with Disabilities

1. The district's Committee on Special Education shall:

- a. Conduct functional behavioral assessments to determine why a student engages in a particular behavior, and develop or review behavioral intervention plans whenever the district is first suspending or removing a student with a disability for more than 10 school days in a school year or imposing a suspension or removal that constitutes a disciplinary change in placement, including a change in placement to an IAES for misconduct involving weapons, illegal drugs or controlled substances.

If subsequently, a student with a disability who has a behavioral intervention plan and who has been suspended or removed from his or her current educational placement for more than 10 school days in a school year is subjected to a suspension or removal that does not constitute a disciplinary change in placement, the members of the CSE shall review the behavioral intervention plan and its implementation to determine if modifications are necessary.

If one or more members of the CSE believe that modifications are needed, the school district shall convene a meeting of the CSE to modify such plan and its implementation, to the extent the committee determines necessary.

b. Conduct a manifestation determination review of the relationship between the student's disability and the behavior subject to disciplinary action whenever a decision is made to place a student in an IAES either for misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension that constitutes a disciplinary change in placement.

2. The parents of a student who is facing disciplinary action, but who has not been determined to be eligible for services under IDEA and Article 89 at the time of misconduct, shall have the right to invoke applicable procedural safeguards set forth in federal and state law and regulations if, in accordance with federal and state statutory and regulatory criteria, the school district is deemed to have had knowledge that their child was a student with a disability before the behavior precipitating disciplinary action occurred. If the district is deemed to have had such knowledge, the student will be considered a student presumed to have a disability for discipline purposes.

a. The superintendent, building principal or other school official imposing a suspension or removal shall be responsible for determining whether the student is a student presumed to have a disability.

b. A student will not be considered a student presumed to have a disability for discipline purposes if, upon receipt of information supporting a claim that the district had knowledge the student was a student with a disability, the district either:

- 1) Conducted an individual evaluation and determined that the student is not a student with a disability, or
- 2) Determined that an evaluation was not necessary and provided notice to the parents of such determination, in the manner required by applicable law and regulations.

If there is no basis for knowledge that the student is a student with a disability prior to taking disciplinary measures against the student, the student may be subjected to the same disciplinary measures as any other non-disabled student who engaged in comparable behaviors.

However, if a request for an individual evaluation is made while such non-disabled student is subjected to a disciplinary removal, an expedited evaluation shall be conducted and completed in the manner prescribed by applicable federal and state law and regulations. Until the expedited evaluation is completed, the non-disabled student who is not a student presumed to have a disability for discipline purposes shall remain in the educational placement determined by the district, which can include suspension.

3. The district shall provide parents with notice of disciplinary removal no later than the date on which a decision is made to change the placement of a student with a disability to an IAES for either misconduct involving weapons, illegal drugs or controlled substances or because maintaining the student in his/her current educational setting poses a risk of harm to the student or others; or a decision is made to impose a suspension or removal that constitutes a disciplinary change in placement.

The procedural safeguards notice prescribed by the Commissioner shall accompany the notice of disciplinary removal.

4. The parents of a student with disabilities subject to a suspension of five consecutive school days or less shall be provided with the same opportunity for an informal conference available to parents of non-disabled students under the Education Law.

5. Superintendent hearings on disciplinary charges against students with disabilities subject to a suspension of more than five school days shall be bifurcated into a guilt phase and a penalty phase in accordance with the procedures set forth in the Commissioner's regulations incorporated into this code.

6. The removal of a student with disabilities other than a suspension or placement in an IAES shall be conducted in accordance with the due process procedures applicable to such removals of non-disabled students, except that school personnel may not impose such removal for more than 10 consecutive days or for a period that would result in a disciplinary change in placement, unless the CSE has determined that the behavior is not a manifestation of the student's disability.

7. During any period of suspension or removal, including placement in an IAES, students with disabilities shall be provided services as required by the Commissioner's regulations incorporated into this code.

D. Expedited Due Process Hearings

1. An expedited due process hearing shall be conducted in the manner specified by the Commissioner's regulations incorporated into this code, if:

- a. The district requests such a hearing to obtain an order of an impartial hearing officer placing a student with a disability in an IAES where school personnel maintain that it is dangerous for the student to be in his or her current educational placement, or during the pendency of due process hearings where school personnel maintain that it is dangerous for the student to be in his or her current educational placement during such proceedings.
- b. The parent requests such a hearing from a determination that the student's behavior was not a manifestation of the student's disability, or relating to any decision regarding placement, including but not limited to any decision to place the student in an IAES.
 - 1) During the pendency of an expedited due process hearing or appeal regarding the placement of a student in an IAES for behavior involving weapons, illegal drugs or controlled substances, or on grounds of dangerousness, or regarding a determination that the behavior is not a manifestation of the student's disability for a student who has been placed in an IAES, the student shall remain in the IAES pending the decision of the impartial hearing officer or until expiration of the IAES placement, whichever occurs first, unless the parents and the district agree otherwise.
 - 2) If school personnel propose to change the student's placement after expiration of an IAES placement, during the pendency of any proceeding to challenge the proposed change in placement, the student shall remain in the placement prior to removal to the IAES, except where the student is again placed in an IAES.

2. An expedited due process hearing shall be completed within 15 business days of receipt of the request for a hearing. Although the impartial hearing officer may grant specific extensions of such time period, he or she must mail a written decision to the district and the parents within five business days after the last hearing date, and in no event later than 45 calendar days after receipt of the request for a hearing, without exceptions or extensions.

E. Referral to law enforcement and judicial authorities

In accordance with the provisions of IDEA and its implementing regulations:

1. The district may report a crime committed by a child with a disability to appropriate authorities, and such action will not constitute a change of the student's placement.
4. The superintendent shall ensure that copies of the special education and disciplinary records of a student with disabilities are transmitted for consideration to the appropriate authorities to whom a crime is reported, to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).

XI. Corporal Punishment

Corporal punishment is any act of physical force upon a student for the purpose of punishing that student. Corporal punishment of any student by any district employee is strictly forbidden.

However, in situations where alternative procedures and methods that do not involve the use of physical force cannot reasonably be used, reasonable physical force may be used to:

1. Protect oneself, another student, teacher or any person from physical injury.
2. Protect the property of the school or others.
3. Restrain or remove a student whose behavior interferes with the orderly exercise and performance of school district functions, powers and duties, if that student has refused to refrain from further disruptive acts.

The district will file all complaints about the use of corporal punishment with the Commissioner of Education in accordance with Commissioner's regulations.

XII. Student Searches and Interrogations

The board is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the code. Students are not entitled to any sort of "Miranda" type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

In addition, the board authorizes the superintendent, building principals, the school nurse and district security officials to conduct searches of students and their belongings, if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the code (exceptions set forth below in A and B).

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that he/she violated the law or the code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

A. Student Lockers, Desks, Files stored on district computers and network servers and other School Storage Places

The rules in this code regarding searches of students and their belongings do not apply to student lockers, desks, files stored on district computers and network servers and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, files stored on district computers and network servers and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

B. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket, socks, cap, shoes, or sweatshirt. Strip searches may not be conducted by any school representative or official.

C. Confiscating Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that _____ are being used in violation of the code.

D. Documentation of Searches

The authorized school official conducting the search shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched.
2. Reasons for the search.
3. Name of any informant(s).
4. Purpose of search (that is, what item(s) were being sought).
5. Type and scope of search.
6. Person conducting search and his or her title and position.
7. Witnesses, if any, to the search.
8. Time and location of search.
9. Results of search (that is, what items(s) were found).
10. Disposition of items found.
11. Time, manner and results of parental notification.

The building principal or the principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the items is turned over to the police. The principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

E. Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function; or
3. Been invited by school officials (with consent from the child's parent or guardian).

Before police officials are permitted to question or search any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

F. Child Protective Services Investigations

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate pursuant to applicable law and regulation with local child protective services workers who wish to conduct interviews of students on school property who are named as victims in reports of suspected abuse or maltreatment or who are siblings or children residing in the same home as the named victims.

All requests by child protective services to interview a student on school property shall identify the student to be interviewed and be made directly to the building principal or his or her designee. The principal or his or her designee shall reasonably set the time and place of the interview. All child protective services workers must provide professional identification and comply with all applicable policies relating to visitors to a school. With regard to the district's right to be present at any interview conducted on school premises, the principal or designee shall decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations. If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order or without a parent's consent, unless the worker has a reasonable basis to believe that the student would be subject to imminent danger of abuse or harm if he or she were not removed from school before a court order can reasonably be obtained. Prior to removal from school, the Superintendent must be notified.

XIII. Visitors to the Schools

The board recognizes that the primary purpose of our schools is the education of its students. Since schools are a place of learning, certain limits must be set concerning visits to the schools to minimize disruption of the educational process and to ensure a safe environment for all.

Any requests for visitation must be pre-arranged with the building principal or his/her designee, and can only be allowed in a manner that minimizes disruption of the educational process. The building principal or his/her designee is responsible for all persons in the building and on the grounds.

For these reasons, the following rules apply to all visitors to the schools:

1. Anyone who is not a regular staff member or student of the school will be considered a visitor.
2. All visitors to the schools must report to the greeter (and/or security guard) upon entering the school and sign in. At that time, they will receive a visitor's identification badge, which must be worn at all times while in the school or on school grounds. The visitor must surrender the badge and sign out upon leaving the building.
3. Visitors attending school functions that are open to the public, such as parent-teacher organization meetings, concerts, plays, etc., are not required to register.
4. No one is permitted to bring items to a child's classroom that the child has forgotten at home, (such as lunch money, lunch, books, musical instruments, projects, etc.), so as not to disrupt classroom activities. These items should be brought to the main office/or greeter and appropriate school personnel will see that the child receives the item.
5. Class time and special school functions are not appropriate times to discuss individual matters or concerns with the teacher. All personal conference should take place at pre-arranged times.
6. Any unauthorized person(s) on school property will be reported to the principal or his/her designee and asked to leave the premises immediately. The police can and will be summoned if the situation warrants.
7. All visitors are expected to abide by the rules for public conduct on school property contained in this code.

XIV. Public Conduct on School Property

The district is committed to providing an orderly, respectful environment that is conducive to learning. To create and maintain this kind of an environment, it is necessary to regulate public conduct on school property and at school functions.

For purposes of this section of the code, "public" shall mean all persons when on school property or attending a school function including students, teachers and district personnel.

The restrictions on public conduct on school property and at school functions contained in this code are not intended to limit freedom of speech or peaceful assembly. The district recognizes that free inquiry and free expression are indispensable to the objectives of the district. The purpose of this code is to maintain public order and prevent abuse of the rights of others.

All persons on school property or attending a school function shall conduct themselves in a respectful and orderly manner. In addition, all persons on school property or attending a school function are expected to be properly attired for the purpose they are on school property.

A. Prohibited Conduct

No person, either alone or with others, shall:

1. Intentionally injure any person or threaten to do so.
2. Intentionally damage or destroy school district property or the personal property of a teacher, administrator, other district employee or any person lawfully on school property, including graffiti or arson.
3. Disrupt the orderly conduct of classes, school programs or other school activities.
4. Distribute or wear materials on school grounds or at school functions that are obscene, advocate illegal action, appear libelous, obstruct the rights of others, or are disruptive to the school program.
5. Intimidate, harass or discriminate against any person on the basis of actual or perceived race, creed, color, weight, national origin, ethnic group, religion, religious practice, disability, sex, sexual orientation, or gender (including gender identity and expression).
6. Enter any portion of the school premises without authorization or remain in any building or facility after it is normally closed.
7. Obstruct the free movement of any person in any place to which this code applies.
8. Violate the traffic laws, parking regulations or other restrictions on vehicles;
9. Possess, consume, sell, distribute or exchange alcoholic beverages, controlled substances, or be under the influence of either on school property or at a school function.
10. Possess or use weapons in or on school property or at a school function, except in the case of law enforcement officers or except as specifically authorized by the school district.
11. Loiter on or about school property.
12. Gamble on school property or at school functions.
13. Refuse to comply with any reasonable order of identifiable school district officials performing their duties.
14. Willfully incite others to commit any of the acts prohibited by this code.
15. Violate any federal or state statute, local ordinance or board policy while on school property or while at a school function.
16. Smoke a cigarette, cigar, pipe, electronic cigarette, or use chewing or smokeless tobacco including any type of vaporizer.

B. Penalties

Persons who violate this code shall be subject to the following penalties:

1. Visitors. Their authorization, if any, to remain on school grounds or at the school function shall be withdrawn and they shall be directed to leave the premises. If they refuse to leave, they shall be subject to ejection.
2. Students. They shall be subject to disciplinary action as the facts may warrant, in accordance with the due process requirements.
3. Tenured faculty members. They shall be subject to disciplinary action as the facts may warrant in accordance with Education Law §3020a or any other legal rights that they may have.
4. Staff members in the classified service of the civil service entitled to the protection of Civil Service Law §75. They shall be subject to immediate ejection and to disciplinary action as the facts may warrant in accordance with Civil Service Law §75 or any other legal rights that they may have.
5. Staff members other than those described in subdivisions 4 and 5. They shall be subject to warning, reprimand, suspension or dismissal as the facts may warrant in accordance with any legal rights they may have.

C. Enforcement

The building principal or his or her designee shall be responsible for enforcing the conduct required by this code.

When the building principal or his or her designee sees an individual engaged in prohibited conduct, which in his or her judgment does not pose any immediate threat of injury to persons or property, the principal or his or her designee shall tell the individual that the conduct is prohibited and attempt to persuade the individual to stop. The principal or his or her designee shall also warn the individual of the consequences for failing to stop. If the person refuses to stop engaging in the prohibited conduct, or if the person's conduct poses an immediate threat of injury to persons or property, the principal or his or her designee shall have the individual removed immediately from school property or the school function. If necessary, local law enforcement authorities will be contacted to assist in removing the person. The district shall initiate disciplinary action against any student or staff member, as appropriate, with the "Penalties" section above. In addition, the district reserves its right to pursue a civil or criminal legal action against any person violating the code.

XV. Dissemination and Review

A. Dissemination of Code of Conduct

The board will work to ensure that the community is aware of this code by:

1. Providing copies of an age appropriate, written in plain language, summary of the code to all students at an assembly to be held at the beginning of each school year.
2. Providing a plain language summary to all parents at the beginning of the school year and thereafter on request.
3. Posting a complete code on the district's website.
4. Providing all current teachers and other staff members with a copy of the code and a copy of any amendments to the code as soon as practicable after adoption.
5. Providing all new employees with a copy of the current code when they are first hired.
6. Making copies of the code available for review by students, parents and other community members.
7. Providing copies of an age appropriate, plain language summary of the code in student registration materials.

The board will sponsor an in-service education program for all district staff members to ensure the effective implementation of the code. The superintendent may solicit the recommendations of the district staff, particularly teachers and administrators, regarding in-service programs pertaining to the management and discipline of students. On-going professional development will be included in the district's professional development plan, as needed.

B. Review of Code of Conduct

The board will review this code every year and update it as necessary. In conducting the review, the board will consider how effective the code's provisions have been and whether the code has been applied fairly and consistently.

The board may appoint an advisory committee to assist in reviewing the code and the district's response to code violations. The committee will be made up of representatives of student, teacher, administrator, and parent organizations, school safety personnel and other school personnel.

Before adopting any revisions to the code, the board will hold at least one public hearing at which school personnel, parents, students and any other interested party may participate.

The code and any amendments to it will be filed with the Commissioner of Education, in a manner prescribed by the Commissioner, no later than 30 days after adoption.



Book	Policy Manual
Section	9000 Personnel and Negotiations
Title	Drug-Free Workplace
Code	9320
Status	Active
Adopted	March 26, 2002
Last Reviewed	December 10, 2024

1. No person may use, possess, sell, manufacture or distribute alcohol or other substances, nor may use or possess drug paraphernalia, on school grounds or at school-sponsored events, except drugs used as prescribed by a physician.

a. The terms “alcohol and other substances” shall be construed throughout this policy to refer to the use of all controlled substances and other illegal drugs including but not limited to alcohol, tobacco, e-cigarettes, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes, and any synthetic version thereof (whether or not specifically illegal or labeled for human consumption), commonly referred to as “designer drugs.” Designer drugs are those substances which have been designed and synthesized to mimic the intended effects and usages of, and which are chemically substantially similar to, substances controlled by federal and/or state law as exemplified above. The inappropriate use of prescription and over-the-counter drugs shall also be prohibited.

b. The possession of tobacco products by a person over the age of twenty-one (21) other than a student would not be considered a violation of this policy.

2. The School District will:

a. Notify all employees and employees of subcontractors in writing and specify the actions that will be taken against employees or other persons for violation of such prohibitions, which may include disciplinary measures addressed in Education Law 1711(5)(e), 3020-a, and 913, or any other provision of law.

b. Establish a drug/alcohol-free awareness program to inform employees about:

- i. The dangers of drug/alcohol abuse;
- ii. The School District’s policy of maintaining a drug-free workplace;

- iii. Any available drug counseling, rehabilitation, and employee assistance program; and
 - iv. The penalties that may be imposed upon employees for drug abuse violations.
- c. Notify the employee in the above notice that as a condition of employment, the employee will abide by the terms of the statement, and that the employee will notify the School District of any criminal arrest, and conviction for drug-related activity in the workplace no later than five days after such arrest or conviction.
3. The School District shall take one of the following actions within thirty (30) days of receiving notice with respect to any employee who is so convicted:
- a. Take appropriate personnel action against such an employee, up to and including termination; or
 - b. Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health enforcement, or other appropriate agency.
4. The School District in collaboration with the District's collective bargaining units will establish an Employee Assistant Program that will provide appropriate and confidential prevention, intervention, assessment, referral, support and follow-up services for School District staff who seek assistance with alcohol and other substance use/abuse related problems, emotional problems, mental illness and other human problems. School District staff will be informed as to the services they can receive through the Employee Assistance Program and encourage to seek such help voluntarily.
5. The School District shall publish a statement notifying employees that the unlawful manufacture, sale, distribution, dispensation, possession or use of a controlled substance is prohibited in the workplace.

Cross Ref:

Ref: Drug Free Workplace Act (DFWA), 41 USC §702-707
Controlled Substance Act, 21 USC §812
21 CFR 1300.11-1300.15
34 CFR Part 85
Civil Service Law §75
Education Law §3020-a

Cross References [3230 - Organization Chart](#)
 [9610 - Staff Substance Abuse](#)



Book	Policy Manual
Section	4000 Instruction
Title	Acceptable Use of Information Technology
Code	4526
Status	Active
Adopted	November 14, 2017
Last Revised	May 14, 2024

Scope

The School District's Acceptable Use Policy applies to all authorized users (Board of Education, employees and students, third party providers or outside groups) who access the School District's network or equipment using School District-owned or personally-owned equipment, including wireless devices.

When an individual uses or accesses the School District's computer hardware (including but not limited to desktop computers, tablets, laptops, Chromebooks, printers,, or document cameras), computer software/applications, computer systems and/or computer networks (including the internet), telephone equipment, two way radios, cellular phones/watches and/or facsimile machines (hereinafter the "School District's computer resources") provided by the School District, they assume certain responsibilities and obligations. Access to the School District's computers, computer systems and/or computer networks is subject to federal, state, and local law, as well as all Board of Education policies.

Any use of the School District's computers and/or computer networks that access outside resources must conform to the terms and conditions of the School District Computer Network and Internet Use Policy 4526.

Where applicable, the School District will make available this policy for any users of School District computers and/or technology. Age-appropriate instructions regarding acceptable online behavior, including interacting with others using the School District technology, cyber bullying awareness, and response will be provided by the School District. The messages and documents residing within, created, and/or transmitted on any device or network may be subject to the School District's monitoring and review.

All users of the School District's computer network and equipment shall comply with this policy and regulation. Failure to comply may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

The Superintendent of Schools or their designee shall be responsible for designating a Director of Information Technology, or other similar position, to oversee the use of the School District computer resources. The Director of Information Technology will work collaboratively on in-service programs for the training and development of the School District staff in computer skills, and for the incorporation of computer use in appropriate subject areas to the extent necessary.

With increased concern regarding identity theft, unwarranted invasion of privacy, and the need to protect personally identifiable information, staff must use district approved software applications or get approval from the Data Protection Officer or Director of Information Technology prior to students being directed to use any cloud-based educational software/application. The Director of Information Technology will determine if a formal contract is required or if the terms of service are sufficient to address privacy and security requirements, and if parent/guardian permission is needed.

Purpose

The Board of Education is committed to optimizing student learning and teaching. The Board considers student access to a computer network, including the Internet, to be a powerful and valuable educational and research tool, and encourages the use of computers and computer-related technology in the School District classrooms for the purpose of advancing and promoting learning and teaching.

The computer network can provide a forum for learning various software applications and through online databases, bulletin boards and electronic mail, can significantly enhance educational experiences and provide statewide, national and global communication opportunities for staff and students.

The School District's computer resources are provided to support the educational and administrative activities of the School District and should be used for those purposes.

All users of the School District's computer network and the Internet must understand that use is a privilege, not a right, and that use entails responsibility. The School District reserves the right to control access to the Internet for all users of its computers and network. The School District may either allow or prohibit certain kinds of online activity, or access to specific websites.

1. Use is a privilege, not a right. Incidental personal use of the School District's computer resources must not interfere with the School District community member's performance, the School District community's ability to use the resources for professional and academic purposes nor violate other School District policies or standards of professional behavior.
2. Use must always be legal, ethical and consistent with the School District's policies on honesty, and integrity and its general standards for community behavior in accordance with the School District's Code of Conduct.

The following policy governs the use of the School District's computer network system and access to the Internet.

I. Administration

1. The Director of Information Technology will be responsible for overseeing the School District's computer network.
2. The Director of Information Technology will to the extent practicable monitor and examine all network activities, as appropriate, to ensure proper use of the system.

3. The Director of Information Technology will work collaboratively with District Administration to disseminate and interpret the School District policy governing use of the School District's network at the building level with all network users.
4. The Director of Information Technology will provide employee training for proper use of the network and will work collaboratively with District Administration so that staff supervising students using the School District's network provide similar training to their students, including providing copies of the Acceptable Use policy, Student Code of Conduct, governing use of the School District's network.
5. The Director of Information Technology shall take reasonable steps to protect the network from viruses, other software, and network security risks that would compromise the network or School District information.
6. The District has a wide variety of pre-approved applications/resources that meet curriculum goals. The Director of Information Technology will review administrative requests to use new 'cloud-based' educational software/applications to protect personally identifiable information (PII) in accordance with School District standards (including NYS Ed Law 2-d data privacy agreements) prior to student use.
7. To the extent such form exists, all student and employee agreements to abide by School District policy and regulations and parental consent forms will be kept on file in the School District office.

II. Internet Use

1. Students, faculty, and staff will be provided with the appropriate Internet access to meet the goals of the School District as stated in this policy.
2. Student Internet access may be restricted depending on the grade level.
3. In order to access the Internet, students must use the School District's network.
4. All users will be prohibited from: accessing social networking sites; playing non-instructional online games; purchasing or selling anything online; personal email services; and watching videos online, unless authorized for a school purpose.

A staff member will be required to monitor all internet and network activities as appropriate.

III. Acceptable Use and Conduct

1. Access to the School District's computer network is provided for educational purposes and research consistent with the School District's mission and goals.
2. Use of the School District's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
3. Each individual in whose name and access account is issued is responsible at all times for its proper use.
4. All network users will be issued a login name and password. Passwords must be changed as directed.
5. Any individual or entity that requests remote access to the network shall require the approval of the Director of Information Technology and will be implemented in a secure manner.
6. Outside vendors and/or providers will be permitted to use their own devices using guest wi-fi and password credential upon permission from Administration and/or the Technology Department.
7. All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive or sexual language or images, vulgarities and swear words are all inappropriate.
8. Network users identifying a security problem on the School District's network must notify the appropriate teacher, administrator, or the Director of Information Technology. Under no circumstance should the user demonstrate the problem to anyone other than to the School District official or employee being notified.

9. Any network user identified as a security risk or having a history of violations of School District computer use guidelines may be denied access to the School District's network.

IV. Authorized Use

1. Authorized users include members of the Board of Education, administrators, supervisors, faculty, staff, students, parent/guardian and any other person who has been granted access to the School District's computer resources. Unauthorized use is strictly prohibited. By utilizing the School District's computer resources or personally-owned equipment, the user consents to the School District's exercise of its authority and rights as set forth in this Policy with respect to the School District's computer resources, as well as with respect to any information or communication stored or transmitted over the School District's computer resources.
2. Faculty, staff members, and students (where applicable) may be provided with e-mail accounts and Internet access.
3. Whenever a user ceases being a member of the School District community or if such user is assigned a new position and/or responsibilities, use of the School District's computer resources for which they are not authorized in their new position or circumstances shall cease and property returned. When a School District employee separates from service from the School District, access to all School District accounts and email is disabled.
4. All School District business being conducted electronically must be performed with a School District account or service. Employees should not use private email accounts. Email used for School District purposes may be subject to FOIL. There is no expectation of privacy when utilizing School District email.

V. Privacy Expectations

1. The School District's computer resources, including all telephone and data lines, are the property of the School District. The School District reserves the right to access, view or monitor any information or communication stored on or transmitted over the network, or on or over equipment that has been used to access the School District's network and it may be required by law to allow third parties to do so. Electronic data, e.g., may become evidence in legal proceedings. In addition, others may inadvertently view messages or data as a result of routine systems maintenance and monitoring or misdelivery.
2. Users must recognize that there is no guarantee of privacy associated with their use of School District computer resources. Users should not expect that e-mail, voice mail or other information created with or maintained in the School District's computer resources (including the use of Google Drive or a similar application and even those marked "personal" or "confidential") are private, confidential or secure.

Individuals using the School District's computer network should not expect, nor does the School District guarantee privacy for electronic mail (e-mail) or any use of the School District's computer network. If an individual is using their personal device to access the School District's network, the individual must keep school work separate from personal files, since school work is subject to School District access. The School District reserves the right to access and view any material stored on School District equipment or any material used in conjunction with the School District's computer network.

VI. Responsible Use

Students are expected to be polite when using technology. Harassment, which is persistently acting in a manner that distresses or annoys another person, is unacceptable. Engaging in personal attacks by performing sexual, prejudicial, discriminatory, or hurtful actions is strictly forbidden. This includes distribution of media (pictures, video, audio, etc.) regardless of format. In addition, messages and/or media received should not be redistributed without the permission of the sender.

The following is a list of prohibited activity concerning use of the School District's computer network. Violation of any of these prohibitions may result in discipline and/or other appropriate penalty, including suspension or revocation of a user's access to the network.

1. Using the network for commercial activity, including advertising.
2. Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting, or making available any copyrighted software on the School District computer network.
3. Using the network to receive, transmit, or make available to others obscene, offensive, and/or sexually explicit material.
4. Using the network to receive, transmit, or make available to others messages that are racist, sexist, abusive, threatening or harassing to others.
5. Using another user's account or password.
6. Attempting to read, delete, copy, or modify the electronic mail (e-mail) of other system users and deliberately interfering with the ability of other system users to send and/or receive e-mail.
7. Forging or attempting to forge e-mail messages.
8. Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy School District equipment or materials, data of another user of the School District's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus on the network.
9. Using the network to send anonymous messages or files.
10. Using the network to receive, transmit or make available to others a message that is inconsistent with the School District's Code of Conduct.
11. Revealing the personal address, telephone number or other personal information of oneself or another person.
12. Using the network for sending and/or receiving personal messages.
13. Intentionally disrupting network traffic or crashing the network and connected systems.
14. Installing personal software, external storage devices or using personal disks on the School District's computers and/or network without the permission of the appropriate School District official or employee.
15. Using School District computing resources for commercial or financial gain or fraud.
16. Stealing data, equipment or intellectual property.
17. Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalizing the data of another user
18. Changing or exceeding resource quotas as set by the School District without the permission of the appropriate School District official or employee.
19. Using the network while access privileges are suspended or revoked.
20. Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.
21. All users must not act in ways that invade the privacy of others, are unethical or fail to comply with all legal restrictions regarding the use of electronic data. All users must also recognize and not violate the intellectual property rights of others.
22. All users must maintain the confidentiality of student information in compliance with federal and state law including, but not limited to, FERPA, HIPAA and NYS Education Law 2-d.

23. Disclosing and/or gossiping (including but not limited to via e-mail, voice mail, Internet instant messaging, social media, chat rooms or on other types of Web pages) about confidential or proprietary information related to the School District is prohibited.
24. All users must refrain from acts that waste School District computer resources or prevent others from using them. Users will not access, modify or delete others' files or system settings without express permission. Tampering of any kind is strictly forbidden. Deliberate attempts to tamper with, circumvent filtering or access, or degrade the performance of the School District's computer resources or to deprive authorized users of access to or use of such resources are prohibited.
25. Students may not send broadcast e-mail or broadcast voice mail.
26. Users are responsible for both the content and possible effects of their messages on the network. Prohibited activity includes, but is not limited to, creating or propagating viruses, material in any form (text, sound, pictures or video) that reflects adversely on the School District, "chain letters" (which proffer incentives to relay them to others), inappropriate messages (including discriminatory, bullying or harassing material), and billable services.
27. Official email communications must be professional, ethical and meet the standards of other School District publications bearing in mind that the writer is acting as a representative of the School District and in furtherance of the School District's educational mission.
28. Users are prohibited from using personal links and addresses such as blogs, YouTube videos, etc. in School District email unless used in the furtherance of business of the School District as part of the curriculum of the School District.
29. The School District recognizes the value of teacher and professional staff inquiry, investigation and communication using new technology tools to enhance student learning experiences. The School District also realizes its obligations to teach 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.
30. 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. Employees are required to maintain the highest levels of professionalism when communicating in their professional capacity as educators. Employees have a responsibility to address inappropriate behavior or activity on these networks, including compliance with all applicable School District Policies. The signature portion of the user's email may not include external links or graphics that are unrelated to the educational mission. Altering electronic communications to hide the identity of the sender or impersonate another person is illegal, considered forgery and is prohibited. Users will abide by all copyright, trademarks, patent, and other laws governing intellectual property. No software may be installed, copied, or used on School District equipment except as permitted by law and approved by the Director of Information Technology or their designee in accordance with the procedures established for use of software/hardware with the School District's computer resources. All software license provisions must be strictly adhered to.
31. Use of School District computers and networks for private or commercial business, political or religious purposes is prohibited.
32. Students and/or parents/guardians are not permitted to record classroom instruction without the express permission of the teacher.
33. The audio and/or video recording of any individual is prohibited without the expressed consent of the individual being recorded.
34. Users will not attempt to gain unauthorized access to the School District system or to any other computer system through the School District System or go beyond their authorized access. This includes attempting to access another person's files. These actions are illegal, even if only for the purposes of "browsing".

35. Users will not make deliberate attempts to disrupt the computer system performance or destroy data by spreading computer viruses or by any other means. These actions are illegal.
36. Neither School District nor personal technology may be used to engage in illegal acts, such as computer fraud, threatening the safety of self or others, hacking, or engaging in any activity that violates local, state, or federal laws.
37. Damaging School District technology in any way;
38. Installing software to School District technology, including any downloads, games, hacking tools, music sharing or video sharing applications or others or attempting to run such software from a personal device such as a thumb/flash drive or any other media/device;
39. Disclosing passwords to another person;
40. Attempting to find security problems, as this effort may be construed as an attempt to gain illegal access to the network;
41. Attempting to gain unauthorized access to files stored on computers or servers;
42. Using School District technology to post materials or establish email accounts unless required and authorized as part of a curriculum project;
43. Making deliberate attempts to disrupt the computer system or destroy data by spreading computer viruses or any other means
44. Students are expected to take reasonable precautions to prevent others from using their accounts as they may be held responsible for these actions. Students must immediately notify a staff member if a security problem is identified.
45. Personal contact information about oneself or other people is prohibited. This includes, but is not limited to, last names, telephone numbers, school or work addresses, and pictures. Email account passwords must not be shared.
46. Any inappropriate messages received must be immediately reported to a staff member. Students should never meet with someone they have met online without their parent/guardian approval.

The School District fully supports the experimental educational and business use of digital resources including, but not limited to, software, third party applications, websites, web-based programs and/or any applications/resources which require a login/password and has a Director of Information Technology to support this purpose. Since the installation of digital resources, other than School District-owned and School District-tested digital resources could damage the School District's computer resources, compromise student data/privacy and/or interfere with others' use, digital resources downloaded from the Internet or obtained elsewhere must be approved by the Director of Information Technology or their designee. Digital resources may not be installed onto any School District owned or School District-leased computer unless in compliance with the Board of Education's policies concerning purchasing and computer resources. Once digital resources have been approved by the Director of Information Technology, installation will be scheduled and performed.

VII. Inappropriate Materials

1. The School District prohibits faculty, staff, and students from developing, maintaining, and transmitting pornography in any form at school, including, but not limited to, magazines, posters, videos, electronic files, personal photos, or other electronic materials.
2. Accessing the School District's network or equipment to create, access, download, edit, view, store, send or print materials that are illegal, offensive, threatening, harassing, intimidating, discriminatory, sexually explicit, or graphic, pornographic, obscene, or which constitute sexting or cyberbullying or are otherwise inconsistent with the values and general standards for community behavior of the School District is prohibited.
3. Transmitting or storing offensive or objectionable material is prohibited on School District computers or networks; the School District's determination as to whether the nature of the

material is considered offensive or objectionable is to be considered as final. The School District will respond to complaints of harassing or discriminatory use of the School District's computer resources in accordance with Policy 0100 (Mission Statement), Policy 0110 (Sexual Harassment) and/or Policy 0115 (Student Harassment and Bullying Prevention and Intervention). These provisions are not intended to prohibit an authorized user from carrying out their assigned educational, employment or administrative function.

4. School District technology must not be used to view, send, or display lewd and offensive media, such as pictures, video, audio, etc. regardless of format. Material that advocates violence or discrimination towards other people (hate literature) may not be accessed. Students will not conduct research on such topics without a teacher's approval. If such information is inadvertently accessed, it must be immediately disclosed to a teacher.
5. Language that is obscene, profane, sexual, rude, inflammatory, threatening, or disrespectful may not be used at any time.
6. The School District's computer network and Internet resources are considered a limited forum, similar to the school newspaper; therefore, the School District may restrict student speech for valid educational reasons.

VIII. Use of Personal Electronic Devices/School District Issued Devices

The Board authorizes use of personal devices to access the School District's Guest Wi-Fi network for educational purposes while maintaining the integrity of the School District Computer, Network and Internet Acceptable Use Policy (hereinafter "AUP") for outside vendors/providers only. Individuals connecting to the School District Guest Wi-Fi network are required to comply with the School District's AUP and registration process, as well as the provisions of this policy and regulation. Failure to register or abide by this policy and regulation will result in revocation of access and possibly disciplinary action in accordance with the Code of Conduct.

The Board of Education authorizes use of personal electronic device(s) and/or School District issued devices to access the internet using the School District's computer resources for educational purposes. Individuals connecting to the internet using the School District's computer resources are required to comply with the School District's Internet Safety Policy, as well as the provisions of this policy and regulation. Failure to abide by this policy and regulation will result in disciplinary action including, but not limited to, revocation of access to the School District's computer resources.

"Personal electronic devices" or "School District issued devices" include, but are not limited to, laptops, smart phones, portable storage media, all recording devices, all Internet connected devices and handheld devices such as Chromebooks, and tablets and include student owned and school district issued devices. With classroom teacher approval, students may use their own devices to access the Internet for educational purposes. The School District reserves the right to monitor, and/or confiscate personal electronic devices when administration has reasonable suspicion that a violation of school policy has occurred.

Any attempt to connect a personal electronic device to any of the District's non-Guest internal networks will be considered a violation of this policy.

Personal electronic devices that have the ability to offer wireless access to other devices must not be used to provide that functionality to others in any School District building. The ability to connect personal electronic devices to the School District Guest wireless network is a privilege and not a right. When

personal electronic devices are used in School District facilities or on the School District Guest wireless network, the School District reserves the right to:

1. make determinations on whether specific uses of the personal electronic device is consistent with this policy;
2. log internet use and monitor storage disk space utilized by such users; and
3. remove or restrict the user's access to the internet and suspend the right to use the personal electronic device in School District facilities at any time if it is determined that the user is engaged in unauthorized activity or in violation of Board of Education policy.

In addition, when employees of the School District choose to use their own personal electronic devices to perform job-related functions, the following will apply:

1. The School District may choose to maintain a list of approved mobile devices and related software applications and utilities. The School District reserves the right to deny any employee of the School District permission to utilize a personal electronic device within the boundaries of the School District. The Superintendent of Schools or their designee reserves the right to make these decisions at their discretion.
2. Personal electronic devices connected to the internet using the School District's computer resources and/or wireless network must have updated and secure operating systems and proper forms of anti-virus and anti-malware protection. Staff must not make any attempt to connect devices that are not properly secured.
3. The cost to acquire all personal electronic devices is the responsibility of the employee of the School District. Services that include a financial cost to the School District, such as phone options or other "apps" are not allowed. The School District does not agree to pay such charges and employees who desire these options must assume all costs incurred for such charges unless authorized by the Assistant Superintendent for Finance and Operations.
4. Personal electronic devices are not covered by the School District's insurance if lost, stolen or damaged. Loss or damage to any personal electronic device is solely the responsibility of the staff member. If lost or stolen, the loss should be reported immediately to the Director of Information Technology or their designee so that appropriate action can be taken to minimize any possible risk to the School District's computer system and the School District. Personally Identifiable Information (PII) of other staff or students should not be stored on personal devices.
5. Staff members shall remain responsible for the maintenance of personal electronic devices, including maintenance to conform to School District standards. Staff members also assume all responsibility for problem resolution, as well as the use and maintenance of functional, up-to-date anti-virus and anti-malware software and any other protections deemed necessary by the Information Technology Manager or their designee.
6. Staff must also meet any expectations of continuity in formatting of files, etc. when making changes to documents for work purposes (i.e., do not change the format of a file so that the original file is unusable on School District-owned hardware/software).
7. All personal electronic devices used with the School District's computer resources are subject to review by the Director of Information Technology or their designee, or individuals/entities

designated by the Superintendent of Schools, if there is reason to suspect that the personal electronic device is causing a problem to the School District's computer resources.

8. The use of personal electronic devices in the course of a staff member's professional responsibilities may result in the equipment and/or certain data maintained on it being subject to review, production and/or disclosure (i.e., in response to a FOIL request, discovery demand or subpoena). Staff members are required to submit any such information or equipment, if and when requested.
9. Staff members using a mobile device, personal or School District-owned, are responsible for compliance with all security protocols normally used in the management of School District data on conventional storage infrastructure are also applied on that mobile device. All School District-defined processes for storing, accessing and backing up data must be used on any device used to access the School District's computer system.

Further, the School District will not be liable for the loss, damage, theft, or misuse of any personal electronic device(s) brought to school. The School District will bear no responsibility nor provide technical support, troubleshooting, or repair of electronic devices owned by anyone other than the School District. Students and staff are responsible for understanding and inquiring about the use of technology prior to engaging in such use.

The person to whom the School District has issued an electronic device will be liable for the loss, damage, theft, or misuse of said electronic device(s) issued by the School District. In addition, a student or staff member will be responsible for the full replacement cost of the device and associated supplies (stylus, power adapter, etc) if the loaned device is lost, damaged, stolen or misused.

IX. Confidentiality and Privacy Rights

Individuals must take all reasonable precautions to prevent unauthorized access to accounts or data by others, both inside and outside the School District. Individuals will not leave any devices unattended with confidential information visible. All devices are required to be locked down when an individual steps away from the device, and settings enabled to freeze and lock after a set period of inactivity.

District data files and electronic storage areas shall remain School District property, subject to School District control and inspection. The Director of Information Technology or their designee may access all such files and communications without prior notice to ensure system integrity and that users are complying with requirements of this policy.

Staff and Students who use the School District's technology must not expect and the School District does not guarantee privacy for any use. The School District reserves the right to access and view any material that is created and accessible through the School District's technology. As appropriate computer use will be monitored by School District staff.

X. Email

All staff and students will have accounts assigned for their own use. Students in grades K-5 will not have access to email. Students in grades 6-8 will have access to an internal email account. Students in grades 9-12 will have access to an internal email account with limited outside access for approved collaborative or research purposes.

XI. Security

Each user is responsible for the security and integrity of information stored on their computer or voice mail system. Computer accounts, passwords, security codes and other types of authorization are assigned to individual users and must not be shared with or used by others. The School District, at its sole discretion, reserves the right to bypass such passwords and to access, view or monitor its systems and all of their contents. By accessing the School District's system, the individual consents to the School District's right to do so.

Removing School District computer resources from the School District's facilities and/or relocating School District computer resources (not including portable technology devices) requires prior authorization from the Director of Information Technology or their designee. Personal network appliances may not be connected to the School District network and may be confiscated. Storage of copyrighted materials such as music, video and games are prohibited. Software, music, videos, and most other electronic media are protected by copyright laws. Therefore, downloading, creating, storing, or distributing unauthorized copies of this media is prohibited.

Users may not attempt to circumvent or subvert the security provisions of any system. Without authorization from the Director of Information Technology or their designee, no one may attach a server to or provide server services on the School District network.

Students may use School District technology for class, extracurricular, college and career development, and other high quality educational activities. Non-instructional games and non-school-related activities are not permitted at any time. Students/employees must not use School District technology for commercial purposes including offering, providing, or purchasing products or services.

School District technology must not be used for political lobbying; however, students may communicate with elected representatives to express opinions on political issues. Anonymous messages may not be sent or posted at any time using School District technology.

XII. The Internet at the School District

1. There are risks involved with using the Internet. To protect personal safety, Internet users must not give out personal information to others on website, chat rooms or other systems. The School District cannot guarantee that users will not encounter text, pictures or references that are objectionable. Responsible attitudes and appropriate behavior are essential in using this resource. As with e-mail, information that a user places on the Internet is akin to sending a postcard rather than a sealed letter. Its contents may be accessed by system administrators in this School District and elsewhere.
2. Users must be aware that some material circulating on the Internet is copyrighted and subject to all copyright laws. Materials taken from the Internet must be properly cited. Users will not plagiarize works that they find on the Internet. Plagiarism is taking the ideas or writings of others and presenting them as if they were original to the user. Users will respect the rights of copyright owners. Copyright infringement occurs when an individual inappropriately reproduces a work that is protected by a copyright. If a work contains language that specifies acceptable use or that work, the user should follow the expressed requirements. If the user is unsure whether or not they can use a work, they should request permission from the copyright owner.

Users must be aware that some material circulating on the Internet is illegally distributed. Users must never use the School District's system to download illegally distributed material.

Users are cautioned not to open e-mail attachments or download any files from unknown sources in order to avoid damaging School District computers and bringing destructive viruses into the School District's system. Anything questionable should be reported immediately to the Director of Information Technology or their designee.

XIII. School District Limitation of Liability

The School District makes no guarantee that the functions or services provided by or through the School District technology will be error-free or without defect. The School District will not be responsible for any damage suffered, including, but not limited to, loss of data or interruptions of service. The School District is not responsible for the accuracy or quality of the information obtained through or stored on School District technology and will not be responsible for financial obligations arising through its unauthorized use.

The School District does not warrant in any manner, express or implied, that the functions or the services provided by or through the School District system will be error-free or without defect. The School District will not bear any liability for any damage suffered by users including, but not limited to, loss of data or interruption of service. Similarly, the School District will not bear any liability for financial obligations that arise out of the unauthorized or illegal use of the system. Further, the School District assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the School District's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information that is used and provided. Further, even though the School District may use technical or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the Board of Education and School District policy.

The School District will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by its own negligence or the errors or omissions of any user. The School District also will not be responsible for unauthorized financial obligations resulting from the use of or access to the School District's computer network or the Internet.

Users are responsible for any financial costs, liabilities, or damages incurred by the School District as a result of improper use of School District technology, including, but not limited to, computer devices (including repairs), supplies, replacement of Chromebooks or other School District issued technological devices, legal fees, and other costs.

XIV. Policy Enforcement and Sanctions

1. All members of the School District community are expected to assist in the enforcement of this policy. Persons in violation of this policy are subject to a full range of sanctions, including, but not limited to, the loss of computer, telephone or network access privileges, disciplinary action, monetary damages and/or dismissal/termination from the School District. Some violations may constitute criminal offenses as defined by local, state and federal laws, and the School District may initiate or assist in the prosecution of any such violations to the full extent of the law.
2. Any suspected violation of this policy should be reported immediately to the Director of Information Technology, as well as to the Principal (if the suspected violator is a student), or the Superintendent of Schools (if the suspected violator is an employee).
3. In addition, illegal activities are strictly prohibited. Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation

of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

In the event that a student has violated the School District Computer Network and Internet Acceptable Use Board Policy and/or Code of Conduct as it relates to technology, they will be advised of the suspected violation and will be given an opportunity to present an explanation. Violation may result in the suspension of computer privileges and/or other disciplinary action consistent with the School District's Code of Conduct. The School District will fully cooperate with local, state, and federal officials in any investigation related to any illegal activities conducted through School District technology.

All users of the School District's computer network and equipment are required to comply with the School District's policy governing the School District's computer network. Failure to comply with the policy or regulation may result in disciplinary action as well as suspension and/or revocation of computer access privileges.

XV. Additional Policies and Guidelines for Use of School District Computer Resources

Use of the School District's computer resources in the School District must comply with the following:

1. Cyberbullying, and sexting using sexually explicit, graphic, threatening, or obscene language or images, or otherwise using language or images inconsistent with the values and general standards for community behavior of the School District are prohibited.
2. Anyone leaving such inappropriate messages on telephone voice mail may face disciplinary action.
3. Anyone receiving a threatening message should record/save the message and report the incident to the Principal. The Director of Information Technology or their designee will attempt to trace the message and report the results to the Principal and the Superintendent of Schools.
4. Use of voice mailboxes for commercial purposes or advertising is not permitted.
5. Use of security codes is required in order to maintain security of mailbox users.

Wireless Policy and Guidelines

Wireless handsets and walkie-talkies are provided to selected members of the School District by the Facilities Department, Technology Department and/or Security Department. Wireless devices including, but not limited to, Chromebooks, wireless handsets, tablets, and notebook computers are provided to staff members and/or students of the School District by the appropriate department listed above. The appropriate department maintains the inventory for these devices, auditing of wireless use by the staff, and efficient and effective resolution of billing and service-related issues. The use of wireless technology has been identified by the School District as useful in maintaining communications among the School District community and School District personnel in emergency situations or situations where immediate access to an employee is necessary. The use of such wireless technology is subject to the requirements of the School District's technology and telecommunications practices. By using wireless devices provided by the School District, the individual consents to the School District's exercise of its authority and rights as set out in this policy.

Cellular Phone Use

Purpose

All School District-issued cellular phones shall be used for the purpose of supporting the School District's education and business objectives. This policy is intended to facilitate effective School District operations relating to cellular phone usage, encourage the responsible use of School District-provided cellular phones, provide guidelines for appropriate cellular phone use, and help manage cellular phone usage costs.

Authorized Users

A list of those employees to whom cellular phones and/or cellular hotspot will be given for school business purposes shall be maintained by the Assistant Superintendent for Finance and Operations and reviewed annually by the Board of Education at their Reorganization Meeting. This list shall also state with specificity, for each employee, the basis for the issuance of a School District cellular phone and/or cellular hotspot.

Acceptable Use Guidelines

1. Cellular phones and/or cellular hotspot shall be used only for necessary phone calls in furtherance of school business purposes. Charges or fees for personal cellular phone calls shall be reimbursed by the employee to the School District.
2. The School District shall monitor whether employee cellular phone use or expenses are unreasonable, excessive, personal, unauthorized, or unwarranted.
3. School District cellular phones and/or cellular hotspot shall not be used for the purpose of illegal transactions, harassment, obscene or offensive behavior, or other violations of School District policies or law.
4. Cellular phone service contract rights and equipment shall be the property of the School District, and any applicable determinations or changes as to them shall be made by the Business Office.
5. Employees shall have no expectation of privacy in the use of School District cellular phones and/or cellular hotspot. All cellular phone bills for School District-issued phones are the property of the School District and will be used as appropriate to investigate the personal use of School District-issued cellular phones.
6. School District cellular phones and/or cellular hotspots are valuable and should be handled with due care. If loss, theft, or damage to a School District cellular phone results from the known negligence of the employee to whom such phone is assigned, the employee will be required to reimburse the School District for the repair or purchase of replacement equipment.
7. Upon request, School District-issued cellular phones and/or cellular hotspot shall be returned to the appropriate School District official.
8. The School District may discontinue cellular phone and/or cellular hotspot privileges at any time.

The Superintendent of Schools or their designee shall conduct regular cost-benefit analyses to determine whether the current cellular phone usage is advantageous to the School District, as well as whether cellular phone service plans should be changed in order to reduce costs and maximize the benefit to the School District.

Policy on Wireless Device/Radio Use

The School District insists that all employees act responsibly in their jobs so as not to endanger the lives of themselves or others. No telephone communication, business, or personal, is so necessary or urgent that it cannot be postponed or interrupted until such time as the involved person can participate in the phone call without compromising safety. Safe driving is always the first responsibility. The School District actively discourages the use of hand-held cellular phones, and other wireless communication devices, while driving cars, trucks, and/or golf carts both on and off campus, during School District work time or on School District business.

Further, employees should not dial, text, email, or otherwise violate the law related to the use of electronic devices while driving on School District business. If an employee must engage in any of the above activities, they must pull over to a safe location off the roadway and out of traffic, stop and park the vehicle before doing so. Stopping in a roadway breakdown lane is by its very nature dangerous, and therefore is not considered a safe location by the School District.

The School District acknowledges that members of the school administration, members of the facilities department and computer services and athletic trainers often use two way radios and radio-telephones in the School District in the performance of their daily duties. In addition, the use of wireless devices by building administration and security guards are both prevalent and necessary. These employees are reminded to use these devices in such a manner so as not to compromise safety.

Closing

The failure to comply with this policy may result in the loss of privileges/access to the School District's computer resources and possible disciplinary action consistent with law or the applicable collective bargaining agreement.

The Superintendent of Schools, working in conjunction with the designated Purchasing Agent for the School District, and the Director of Information Technology, will be responsible for the purchase and distribution of computer software and hardware throughout the School District. They shall prepare and submit for the Board's approval a multi-year technology plan which shall be revised as necessary to reflect changing technology and/or School District needs as required.

Cross Ref: 0100 Equal Opportunity
 0110 Policy Against Workplace Discrimination and Harassment
 0115 Student Harassment, Discrimination and Bullying Prevention and Intervention
 4526.1 Internet Safety
 5300 Code of Conduct
 8630 Computer Resources and Data Management
 8635 Information Security Breach

Adopted: November 14, 2017

Revised: May 14, 2024

ACCEPTABLE USE OF INFORMATION TECHNOLOGY

MISSION STATEMENT

The mission of the Smithtown Central School District Electronic Access Initiative is to improve teaching and learning through access to information, research, communication, collaboration, publication and productivity tools. In addition, these tools are also used for the dissemination of successful educational practices, methods, and materials. It is the District's responsibility to instruct students and staff about network safety, their role as a 'network citizen', and the code of ethics involved with the global electronic community.

REGULATIONS AND GUIDELINES

The Smithtown Central School District computer and network facilities are to be used in a responsible, efficient, ethical, and legal manner in accordance with the mission of the district. Users must acknowledge their understanding of the Regulations and guidelines as a condition for using the network. Failure to adhere to the Regulation and its guidelines may result in suspending or revoking the offender's privilege of network access and/or other sanctions. Considering that network access is an integral part of district coursework, academic performance may be hindered by a user's failure to adhere to these guidelines.

GUIDELINE 1: Use of the Network and Network Facilities

The District's network offers users access within and among District buildings and to the world via the Internet. Acceptable uses of the network are limited to activities that support teaching and learning. The District reserves the right to review all information on or transmitted through its computers or its network. Staff and students may only access the programs and Internet sites relevant to their school district work. Limited personal use of the District email system is granted to district employees for emergency communication with family. In accordance with the Code of Conduct, misuse of the network is prohibited.

Unacceptable uses of the network include but are not limited to the following examples:

- a) Physically damaging or vandalizing the district network including, but not limited to computers, display screens, projectors, interactive white boards, CD/DVD drives, mice, keyboards, network wiring and related equipment
- b) Wasting resources including, but not limited to paper, ink/toner, email and network storage and/or bandwidth
- c) Using profanity, obscenity or language in any media form which may be offensive to another person
- d) Mailing of non-district related items, i.e. financial, political, or religious causes
- e) Sending harassing or abusive email messages
- f) Using the network for financial or commercial gain
- g) Using the network for illegal activity
- h) Using the network to violate copyright and/or Fair Use Laws
- i) Accessing another user's account
- j) Installing computer viruses, malware, spyware and/or Trojan applications
- k) Bypassing the District's Internet filter or network policies
- l) Students, including student aides, are prohibited from using administrative computers

GUIDELINE 2: Internet Safety and Electronic Publishing

District staff will explain proper techniques and standards for using the network and accessing the Internet. Particular concerns include safety and issues of privacy. Internet Safety will be taught as part of the curriculum.

Staff and students are encouraged to produce materials for electronic publication. Proofread and edit all content before publishing. Consider that what you publish will reflect upon you in the future. Network users are encouraged to be mindful of their conduct on the Internet and should be aware that inappropriate behavior such as illegal actions, libel, slander, harassment, etc., may result in disciplinary and/or legal action. It is the view of the district that electronic communications can serve as an enhancement to the educational experience and should be explored by staff and students alike responsibly.

Electronic publication by teachers and students is limited as follows:

- a) No personal information about a student will be allowed. This includes phone numbers, addresses, and details regarding the specific location of any student at any given time.
- b) Elementary students (K-5) may not be identified by last name.
- c) Students in pictures, movies or sound recordings may not be identified by last name.
- d) Text, image, movie or sound that contains pornography, profanity, obscenity, or language that offends or degrades others is prohibited.
- e) Agreements to get together with someone you "meet" online are prohibited.

GUIDELINE 3: Network Accounts and Passwords

The person issued an account is responsible for its proper use at all times, including password management and its security in accordance with the following:

- a) Passwords will not be shared with others.
- b) Passwords will conform to district rules that define a minimum length with a mix of uppercase, lowercase, alpha and numeric characters.
- c) Passwords will be changed frequently. In particular, employee passwords will be changed at least twice each school year.
- d) Passwords for various systems will be different. For example, the district network, financial system, and student information system accounts for each user will each have different passwords.

Enforcement and Violations

This Regulation of the Smithtown Central School District is intended to be illustrative of acceptable and unacceptable computer, network and Internet usage and is not exhaustive. Questions about specific uses related to security issues not enumerated in this regulation statement, general usage questions, and reports of specific unacceptable uses should be directed to the building principal and/or department administrator.

The District will review alleged violations of the Regulation on a case-by-case basis. Clear violations of the Regulation may result in the suspension or termination of computer and/or Internet services for the person(s) at fault and referral for disciplinary actions and legal actions, as appropriate.

The Board of Education recognizes that computers are a powerful and valuable education and research tool and as such are an important part of the instructional program. In addition, the School District depends upon computers as an integral part of administering and managing the Schools District's resources, including the compilation of data and recordkeeping for personnel, students, finances, supplies and materials. This policy outlines the Board of Education's expectations in regard to these different aspects of the School District's computer resources and defines guidelines for adult use of School District computer networked equipment, including those that provide access to the Internet.

This policy covers all adult users of computers and other technology that may provide access to the Internet and/or other networks within or linked with the School District. Computer networks provide the School District, its personnel, and students with unique opportunities for the sharing of knowledge, information and ideas that can positively impact on the instructional and operational programs. With access to the system comes the responsibility for proper on-line conduct, acceptable use of the network, proper use of copyrighted material, and sanctions for inappropriate use.

General Provisions

The Superintendent of Schools or their designee shall be responsible for designating an individual(s) who will oversee the procurement and use of School District computer resources. Said individual will work collaboratively on in-service programs for the training and development of School District staff in computer skills, appropriate use of computers, and to support the incorporation of computer use in subject areas.

The Superintendent of Schools, working with their designee shall establish regulations governing the use and security of the School District's computer resources (computer resources include all devices that process data, including but not limited to, laptops, fax machines, copiers and scanners). The security and integrity of the School District computer network and data is a serious concern to the Board of Education and the School District will make every reasonable effort to maintain the security of the system. All users of the School District's computer resources shall comply with this policy, as well as the School District's policy 4526, Computer Use in Instruction. Failure to comply may result in disciplinary action, as well as suspension and/or revocation of computer access privileges.

All users of the School District's computer resources must understand that use is a privilege, not a right, and that use entails responsibility. Users of the School District's computer network must not expect, nor does the School District guarantee, privacy for electronic mail (e-mail) or any use of the School District's computer network. The School District reserves the right to access and view any material stored on School District equipment or any material used in conjunction with the School District's computer network.

Copyrighted Material

Any software that is protected under the copyright laws or otherwise not authorized by the School District for use will not be loaded onto/or transmitted via the network or other on-line servers, without the express written permission of the copyright holder or the School District.

Use of the Internet

- All use of the network or other on-line servers must be in support of education and research or administration/management consistent with the goals of the School District, unless otherwise authorized by the School District.
- Any use of the Internet for private, commercial, and political business is prohibited.
- Any use of the Internet for profit is prohibited.
- Any use of the network for information that is deemed by the supervising staff member and/or school administration to be dangerous, objectionable, pornographic, distracting and/or otherwise offensive in nature is prohibited.
- Users of the network are not to intentionally seek information about other users that could be private in nature.
- The malicious use of School District computers, networks, and data systems are prohibited.
- Electronic hate mail, harassment, discriminatory remarks, and other antisocial behaviors are prohibited.
- Users of the network shall use only the accounts assigned to themselves and not seek to misrepresent themselves as other users.

Unauthorized tampering or mechanical alteration including software configurations will be considered vandalism, which is prohibited and illegal.

Computer Records Management and Data System Security

The Board of Education recognizes that since School District data is managed by computer, it is critical to exercise appropriate control over computer records, including financial, personnel and student information systems, as well as the School District's network facilities. The Superintendent of Schools or their designee shall establish procedures governing management of computer records. The procedures will address:

- accounts
- passwords
- system administration
- separation of duties
- remote access
- encryption
- user access and permissions appropriate to job titles and duties
- disposal of computer equipment and resources (including deleting School District data or destroying the equipment)
- inventory of computer resources (hardware and software)
- data back-up (including e-mail)
- record retention

- disaster recovery and notification plans

School District Data Privacy and Security Standards

The School District uses the National Institute for Standards and Technology, Cybersecurity Framework (NIST CSF) (Version 1.1 or latest version) as the standard for its data privacy and security program.

- The Superintendent of Schools shall designate a Director of Information Technology to oversee the School District's computer network.
- The Director of Information Technology shall monitor and examine all network activities, to the extent practicable, to safeguard the system. The computer network coordinator shall maintain an updated inventory of all computer hardware and software resources.
- The Director of Information Technology shall develop and implement procedures for data back-up and storage. These procedures will support disaster recovery and notification plans and will comply with the requirements for records retention in compliance with the School District's policy on School District Records (1120).
- The Director of Information Technology shall facilitate the dissemination of School District policy and regulations governing use of the School District's network with all staff as part of the annual review of essential policies.
- The Director of Information Technology shall provide employee training for proper use of information systems and will work collaboratively with administrative council so that staff supervising students using the School District's network can provide similar instruction to their students in accordance with policy 4526, Computer Use in Instruction.
- The Director of Information Technology shall take reasonable steps to protect the network from viruses, other software, and network security risks that would compromise the network or School District information.
- To the extent such form exists, all student and employee agreements to abide by School District policy and regulations and parental consent forms shall be kept on file in the School District.
- Consistent with applicable internal controls and to the extent practicable, the Superintendent in conjunction with their Cabinet and the Director of Information Technology, will establish the proper segregation of duties in assigning responsibilities for computer resources and data management.

School District Limitation of Liability

The School District makes no warranties of any kind, express or implied, that the functions or the services provided by or through the School District system will be error-free or without defect. The School District will not be responsible for any damage users may suffer including but not limited to, loss of data or interruptions of service. The School District is not responsible for financial obligations arising through the unauthorized use of the system.

Review and Dissemination

Since computer technology is a rapidly changing area, it is important that this policy be reviewed on an annual basis by the Board of Education. The Board of Education's policy governing appropriate computer use will be distributed annually to staff and students.

The following rules and regulations govern the use of the School District's computer network system, email accounts, employee access to the Internet, and management of computerized records.

1. Purpose

The purpose of this regulation is to define guidelines for use of School District computer networks, information systems, including networked and stand-alone School District computer equipment that provide access to the Internet.

Scope - All users of computer and other technology that may provide access to the Internet and/or other networks within or linked with the School District.

2. General

Computer networks and Internet access provide the School District, its personnel and students with unique opportunities for the sharing of knowledge, information and ideas that can positively impact on the instructional and operational programs. With access to the system comes the responsibility for proper on-line conduct, acceptable uses of the network, proper use of copyrighted materials, and sanctions for inappropriate use.

3. Account Access to Network, E-Mail Accounts and Computer Services

- a. Employees will be issued an e-mail account through the School District's managed email system.
- b. Employees are expected to review their e-mail in a reasonable timeframe.
- c. Communications with parents and/or students should be saved as appropriate and the School District will archive the e-mail records according to procedures developed by the computer network coordinator.
- d. Employees may access the internet for education-related and/or work-related activities consistent with the goals of the district.
- e. Employees shall refrain from using computer resources for personal use unless otherwise authorized.
- f. Employees are advised that they must not have an expectation of privacy in the use of the School District's computers.
- g. Use of computer resources in ways that violate the acceptable use and conduct regulation, outlined below, will be subject to discipline.
- h. Approved class work shall have priority over other uses.
- i. All use of the network or other on-line servers must be in support of education and research or administration/management consistent with the goals of the School District. The term "education" includes use of the system for classroom, professional or career development activities.
- j. Users are responsible for the use of the individual account assigned to them and should take all reasonable precautions to prevent others from being able to access their account. The user will be held responsible for any policy violations that are

traced to their account. Under no conditions should a user provide their password to another person.

- k. Users may be required to remove files if total system storage space becomes low.
- l. School District administrators have the right to access e-mail to investigate complaints. Any violations of the acceptable use policy will be reported to appropriate personnel
- m. The use of “chat rooms” is strictly forbidden. This does not preclude anyone from using Google Classroom, Google Meet, Zoom, Microsoft Teams or any other virtual platform that may have a chat feature.
- n. Users are encouraged to check their e-mail during their work calendar.

4. Data Security

In addition, the goal of the School District is to ensure data systems are adequately secured. Accordingly:

- a. Account passwords must be secured with Multi-factor authentication (MFA) where available and changed as often as every one hundred eighty (180) days. Passwords must be at least eight (8) characters in length and must contain at least one (1) uppercase letter, one (1) lowercase letter, one (1) number and/or one (1) special character. All passwords shall be secured by the individual employee and not shared with others.
- b. The School District’s systems administrator shall be a staff member who works outside of the business office. The systems administrator shall not serve any business function beyond that of administration of the School District’s financial system. The same model will be used for the Student Information System and the administration/curriculum offices.
- c. Change of permissions must be approved by the Superintendent of Schools or their designee. Permission changes will be reviewed by the administrator for each area.
- d. The School District’s finance/personnel and student information systems will be backed up daily. A back up of such data will be maintained offsite and shall be maintained regularly by the Information Technology Department.
- e. Segregation of duties in the computer system will be consistent with the manual system. Thus, electronic permissions of employees should appropriately reflect their duties. The School District administration will also implement appropriate controls when adequate segregation of duties is not practical or possible.
- f. Any individual or entity that requests remote access to the network shall require the approval of the Director of Information Technology and will be implemented in a secure manner.

5. System Security

- a. Software shall be installed by the Director of Information Technology or their designee only.
- b. The permission of the Director of Information Technology or their designee is necessary in order to download or install software.

- c. Permission of the Director of Information Technology or their designee is required for the relocation, removal, or adjustment of any desktop, mobile, or peripheral device.
- d. Use of personal equipment including, but not limited to, printers, scanners, wireless access points (WAP), and switches, is prohibited without special permission from the Director of Information Technology or their designee.
- e. Food and/or drink shall not be in the immediate area where computers are located.

6. Plagiarism and Copyright Infringement

- a. Any software that is protected under copyright laws will not be loaded onto or transmitted via the network or other on-line servers without the prior written consent of the copyright holder.
- b. Users will honor all copyright rules and not plagiarize or use copyrighted information without permission. Plagiarism is the use of writings or ideas of others and presenting them as if they were the creation of the presenter.
- c. The School District may publish any student's work on the Internet or School District web pages unless the School District receives a written request from parents and/or guardians to opt out of such publication of the Student's work.

7. Illegal Activities

- a. Users will not knowingly or recklessly post false or defamatory information about a person or organization.
- b. Attempts to log on through another person's account or to access another person's files is illegal and this conduct shall not be engaged in except that the School District's administrators working with the Director of Information Technology or designee shall have the right to log on through or access another person's account and access another person's files as provided for in paragraph 3(f) of this policy.
- c. Any use of the Internet or network for profit is prohibited.
- d. Any use of the Internet or network software for information that is deemed by the supervising staff member and/or school administration to be dangerous, objectionable, pornographic, distracting to education, or otherwise offensive in nature is prohibited.
- e. Electronic hate mail, harassment, discriminatory remarks, inappropriate language and other illegal and/or antisocial behaviors are prohibited.
- f. Users of the network shall only use their assigned accounts and not seek to misrepresent themselves as other users.
- g. Users may not use the School District system to engage in any illegal act, such as arranging for an alcohol/drug sale or purchase, engaging in criminal activity, threatening the safety of a person, etc.
- h. Unauthorized exploration of the network operating system or unauthorized changes to any installed software is strictly prohibited.

8. Personal Use

- a. Users may not use the School District systems or platforms for commercial purposes, defined as offering or providing goods or services or purchasing goods or services for personal use. School District acquisition policies will be followed through the School District system.

- b. Users may not use the School District systems or platforms for political lobbying in support of or in opposition to individual candidates seeking election or political parties.
- c. Users may not use the School District systems or platforms to post personal information about themselves or others, such as their home address, personal phone number, or personal email address.
- d. Users will not use the School District systems or platforms to transmit pictures of themselves or other people unless in conjunction with authorized school use.

9. Acceptable Use and Conduct

The following regulations apply to **all staff, students and third party users** of the School District's computer system:

- a. Access to the School District's computer network is provided for educational and/or research purposes and management of School District operations consistent with the School District's mission and goals.
- b. Use of the School District's computer network is a privilege, not a right. Inappropriate use may result in the suspension or revocation of that privilege.
- c. Each individual in whose name an access account is issued is responsible at all times for its proper use.
- d. All network users will be issued a login name and password. Passwords must be changed periodically and must be of sufficient complexity as determined by the School District.
- e. Only those users with permission from the Superintendent of Schools and/or Director of Information Technology may access the School District's network from offsite (e.g., from home).
- f. All network users are expected to take reasonable precaution to secure School District information stored on devices they use, including maintaining responsible custody over computer resources, ensuring no unauthorized use of School District devices, and exercising prudent judgement when browsing the internet, downloading files, opening email, clicking links, opening and interacting with attachments.
- g. All network users are expected to abide by the generally accepted rules of network etiquette. This includes being polite and using only appropriate language. Abusive language, vulgarities and swear words are all inappropriate.
- h. Network users identifying a security problem on the School District's network must notify appropriate staff. Any network user identified as a security risk or having a history of violations of School District computer use guidelines may be denied access to the School District's network.

10. Prohibited Activity and Uses

The following is a list of prohibited activity for **all staff, students and third party users** concerning use of the School District's computer network systems or platforms. Any violation of these prohibitions may result in discipline or other appropriate penalty, including suspension or revocation of a user's access to the network.

- a. Using the network for commercial activity, including advertising.

- b. Infringing on any copyrights or other intellectual property rights, including copying, installing, receiving, transmitting or making available any copyrighted software on the School District computer network.
- c. Using the network to receive, transmit or make available to others obscene, offensive, or sexually explicit material.
- d. Using the network to receive, transmit or make available to others messages that are racist, sexist, abusive, or harassing to others.
- e. Use of another's account or password.
- f. Attempting to read, delete, copy or modify the electronic mail (e-mail) of other system users.
- g. Forging or attempting to forge e-mail messages.
- h. Engaging in vandalism. Vandalism is defined as any malicious attempt to harm or destroy School District equipment or materials, data of another user of the School District's network or of any of the entities or other networks that are connected to the Internet. This includes, but is not limited to, creating and/or placing a computer virus, malware on the network, and not reporting security risks as appropriate.
- i. Using the network or systems to send anonymous messages or files.
- j. Revealing the personal address, personal telephone number, or other personal information of oneself or another person.
- k. Intentionally disrupting network traffic or crashing the network and connected systems.
- l. Installing personal software on School District computers is prohibited.
- m. Using School District computing resources for fraudulent purposes or financial gain.
- n. Stealing data, equipment or intellectual property.
- o. Gaining or seeking to gain unauthorized access to any files, resources, or computer or phone systems, or vandalize the data of another user.
- p. Wastefully using finite School District resources.
- q. Changing or exceeding resource quotas as set by the School District without the permission of the appropriate School District official or employee.
- r. Using the network while your access privileges are suspended or revoked.
- s. Using the network in a fashion inconsistent with directions from teachers and other staff and generally accepted network etiquette.
- t. Exhibiting careless behavior with regard to information security (e.g., sharing or displaying passwords, leaving computer equipment unsecured or unattended, etc.).

11. Respect for Privacy

- a. Users are not to intentionally seek information about other users that could be private in nature.
- b. Users will not post private information about another person.

12. Vandalism

- a. Any act of vandalism is strictly prohibited. Vandalism is the malicious attempt to destroy or harm data or equipment.
- b. Uploading, creating or spreading computer viruses is considered to be an act of vandalism.

13. Access to Inappropriate Material

- a. Users will not utilize the School District system to access material that is profane or obscene, that advocates illegal acts, or that advocates violence or discrimination towards other people. School District employees may access the above material only in the context of curricular areas.
- b. The user should, as soon as practical, report any inadvertent incident in a manner specified by their school. This will protect them against an allegation that they have intentionally violated the acceptable use policy.

14. Consequences

Unacceptable uses of the School District's computer resources may result in the suspension or cancellation of computer privileges, as well as disciplinary, monetary, and/or legal consequences. Any information pertaining to or implicating illegal activity will be reported to the proper authorities. Transmission of any material in violation of any federal, state and/or local law or regulation is prohibited. This includes, but is not limited to materials protected by copyright, threatening or obscene material or material protected by trade secret. Users must respect all intellectual and property rights and laws.

15. Implementation

Implementation of the acceptable use policy will be the responsibility of the School District administration.

16. School District Limitation of Liability

The School District does not warrant in any manner, expressly or implied, that the functions or the services provided by or through the School District system will be error-free or without defect. The School District shall not bear any liability for any damage suffered by users including, but not limited to, loss of data or interruption of service. Similarly, the School District shall not bear any liability for financial obligations that arise out of the unauthorized or illegal use of the system.

17. Technology and Instruction

Teachers are encouraged to use technology to improve student achievement.

18. No Privacy Guarantee

Users of the School District's computer network should not expect, nor does the School District guarantee, privacy for electronic mail (e-mail) or any use of the School District's computer network. The School District reserves the right to access and view any material stored on School District equipment or any material used in conjunction with the School District's computer network.

19. District Responsibilities

The School District makes no warranties of any kind, either expressed or implied, for the access being provided. Further, the School District assumes no responsibility for the quality, availability, accuracy, nature or reliability of the service and/or information provided. Users of the School District's computer network and the Internet use information at their own risk. Each user is responsible for verifying the integrity and authenticity of the information.

The School District will not be responsible for any damages suffered by any user, including, but not limited to, loss of data resulting from delays, non-deliveries, misdeliveries, or service interruptions caused by the user's own negligence or any other errors or omissions. The School District also will not be responsible for unauthorized financial obligations resulting from the use of or access to the School District's computer network or the Internet.

The School District will take reasonable steps to protect the information on the network and provide a secure network for data storage and use, including contracts or riders with vendors that address data security issues and that School District officials provide appropriate oversight. Procedures for the disposal of School District computer resources shall provide for the complete removal of School District information, or the secure destruction of the resource. Even though the School District may use technical and/or manual means to regulate access and information, these methods do not provide a foolproof means of enforcing the provisions of the School District policy and regulation.

Adoption Date: July 6, 2010

Revised Date: August 1, 2023



Book	Policy Manual
Section	0000 Goals and Objectives
Title	Equal Opportunity, Nondiscrimination and Anti-Harassment
Code	0100
Status	Active
Adopted	September 24, 2012
Last Revised	January 28, 2025
Last Reviewed	December 10, 2024
Prior Revised Dates	1/14/20,1/12/16,9/24/12 1/12/21

The Board of Education is committed to providing equal opportunities to all students and staff in the School District. Racism, discrimination, and marginalization of any individual or groups of individuals, whether intentional or not, have no place in the School District setting. The Board of Education is committed to addressing issues of equity, diversity and inclusivity in the School District so that students and staff have equitable access to learning and employment opportunities in the School District.

In addition, the Board of Education recognizes the presence of culturally diverse students in the School District community and the need for students to find relevant connections in the School District environment. Finally, the Board of Education recognizes that equity, diversity and inclusivity is an ongoing process that requires shared commitment and leadership by the School District to meet unique learning needs of all students and staff.

The Board of Education, its officers and employees, will not discriminate against any individual on the basis of actual or perceived age, race (including hair texture and protective hairstyles), color, national origin, creed, religion, marital status, sex, age, sexual orientation, gender (including gender identity and expression), pregnancy, disability, military status, veteran status, predisposing genetic characteristic or carrier status, reproductive health decisions or domestic violence victim status or any other status protected by applicable law. Since sexual violence is a form of sexual harassment, the term sexual harassment when used in School District policy includes sexual violence even if the term sexual violence is not explicitly stated.

The Board affirms the right of all students, staff and applicants to be treated with respect and to be protected from unlawful discrimination or harassment, without regard to the student or staff member's race, color, national origin, creed, religion, marital status, sex, age, sexual orientation, gender (including

gender identity and expression), pregnancy, disability, military status, veteran status, predisposing genetic characteristic or carrier status, or any other status protected by applicable law. The School District will provide notice of this policy in accordance with federal and state law and regulation.

The School District will provide equal opportunities for access by students to educational programs, counseling services, course offerings and student programs and activities, community and youth programs, including but not limited to the service organizations. The School District will provide equal opportunities to all individuals in the recruitment and appointment of employees, employment pay, benefits and terms of employment, advancement and/or terminations.

Employees also have protections under state law against discrimination on the basis of their familial status, reproductive healthcare decisions (their own or their dependents) and certain prior criminal history.

Specific protections for students under the Dignity for All Students Act are addressed in policy 0115, Student Harassment, Discrimination, Hazing and Bullying Prevention and Intervention. The School District will follow the guidance from the State Education Department on creating a safe, supportive, and affirming school environment for all students.

Additionally, to promote the School District's policy of non-discrimination, the School District will maintain a website that is accessible (or contains accessible alternative) on perceivability, operability and understandability principles. The Superintendent of Schools will designate an individual who is responsible for considering the following when developing or updating the School District website:

- Adding the text equivalent to every image;
- Posting documents in a text-based format such as HTML or RTF in addition to PDFs;
- Avoiding dictating colors and font settings;
- Including audio descriptions and captions to videos;
- Identifying other barriers to access; and
- Making other considerations when developing the School District's website.

The District will maintain a working and learning environment free from unlawful discrimination and intimidation. Nothing in this policy will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person's gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

Unlawful harassment or discriminatory behavior that denies civil rights or access to equal educational opportunities includes but is not limited to comments, name-calling, physical conduct or other expressive behavior directed at an individual or group that intentionally demeans the race (including hair texture and protective hairstyles), color, national origin, creed, religion, marital status, sex, age, reproductive health decisions, sexual orientation or disability of the individual or individuals or creates an intimidating, hostile or demeaning environment for education.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the School District code of conduct, the law or applicable contract.

Annual Notification

At the beginning of each school year, the School District will publish a notice of the established grievance procedures for resolving complaints of unlawful discrimination and harassment to parents/persons in parental relation, employees, eligible students, all unions or professional organizations which have a collective bargaining agreement or profession agreement with the School District, and the community. The public notice will:

- a. Inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered in a non-discriminatory fashion.;
- b. Provide the name or title, office address, electronic mail address and telephone number of the person designated to coordinate activities and inquiries concerning discrimination, i.e. the Title IX Coordinator and/or Compliance Officer;
- c. Provide that inquiries concerning the application of the Title IX and its regulations to the School District may be referred to the Title IX Coordinator, to the Assistant Secretary for Civil Rights, or both ; and
- d. Be included in announcements, bulletins, catalogues, the school calendar, student and staff handbooks and applications for employment and will be posted in each school and facility in the school district and on the School District's website.

In order to ensure compliance with Title IX of the Educational Amendments of 1972 ("Title IX"), Section 504 of the Rehabilitation Act of 1973 ("Section 504") and the Americans with Disabilities Act ("ADA"), the Superintendent will annually designate a Compliance Officer. The Assistant Superintendent for Pupil Personnel Services has been designated as the District's Compliance Officer for purposes of Title IX. The Administrator for Guidance and Related Student Services has been designated as the District Coordinator for Section 504/ADA. . The Title IX Compliance Officer has also been designated to handle inquiries regarding the District's equal opportunity, non-discrimination and anti-harassment policies. Contact information for the Compliance Officer is available on the District's website and will be published in the District's Annual Notification as the person designated to coordinate activities and inquiries concerning discrimination and harassment.

Student complaints of discrimination, harassment or bullying may be made pursuant to policy 0115 "Student Harassment, Discrimination, Hazing and Bullying Prevention and Intervention." Student, staff and applicant complaints of illegal harassment or discrimination may be made pursuant to policy 0110 "Policy Against Discrimination and Harassment of Students and Staff" and any accompanying regulation(s).

The Superintendent of Schools or designee will establish regulations and procedures for presenting problems or appealing decisions which affect individual students, in accordance with applicable statutory requirements, and for the resolution of complaints or grievances which may affect the student body.

All complainants and those who participate in the investigation of a complaint in conformity with federal or state laws, regulations, or School District policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Grievance Procedure

Definitions

1. Grievant will mean an individual who alleges that they have been discriminated against in violation of the law.
2. Grievance will mean any allegation of discrimination in violation of state or federal law.
3. Compliance Officer/Title IX Coordinator will mean the employee designated by the Board of Education to coordinate efforts to comply with and carry out responsibilities in connection with a claim of discrimination under applicable law.
4. Representative will mean any person designated by the grievant as his/her counsel or to act in his/her behalf.

Individual complaints and grievances will be handled in accordance with the following guidelines:

Stages

A. Stage I – Compliance Officer/Title IX Coordinator

1. Within thirty (30) days after the events giving rise to the grievance, the grievant will file a grievance in writing with the Compliance Officer or Title IX Coordinator. The Compliance Officer or Title IX Coordinator may informally discuss the grievance with the grievant. He/she will promptly investigate the complaint. All employees of the School District will cooperate with the Compliance Officer and/or Title IX Coordinator in such investigation.
2. Within fifteen (15) days of the receipt of the grievance, the Compliance Officer or Title IX Coordinator will make a finding in writing that there has or has not been a violation of applicable law. In the event the Compliance Officer or Title IX Coordinator finds that there has been a violation, he/she will propose a resolution of the complaint.
3. If the grievant is not satisfied with the finding of the Compliance Officer or Title IX Coordinator, or with the proposed resolution of the grievance, the grievant may, within fifteen (15) days after he/she has received the report of the Compliance Officer or Title IX Coordinator, file a written request for review by the Superintendent of Schools.

B. Stage II – Superintendent of Schools

1. The Superintendent of Schools may request that the grievant, the Compliance Officer or Title IX Coordinator, or any member of the school district staff present a written statement to him/her setting forth any information that such person has relative to the grievance and the facts surrounding it.
2. The Superintendent of Schools will notify all parties concerned as to the time and place when an informal hearing will be held where such parties may appear and present oral and written statement supplementing their position in the case. The Superintendent of Schools will hold such conference within fifteen (15) school days of the receipt of the appeal by the Superintendent.
3. Within fifteen (15) days of the hearing, the Superintendent of Schools will render his/her determination in writing. Such determination will include a finding that there has or has not been a violation of applicable law and a proposal for equitably resolving the complaint.
4. If the grievant is not satisfied with the determination of the Superintendent of Schools, the grievant may, within fifteen (15) days after its receipt, file with the Clerk of the Board of Education, a written request for review by the Board.

C. Stage III – Board of Education

1. When a request for review by the Board of Education has been made, the Superintendent of Schools will submit all written statements and other materials concerning the case to the President of the Board of Education to be made available to the members of the Board of Education for their respective review.
2. The Board of Education will render a decision in writing within fifteen business (15) days after the hearing has been concluded.

In addition to the above, individuals may contact the Office for Civil Rights at:

United States Department of Education
Office for Civil Rights
32 Old Slip, 26th Floor
New York, New York 10005

(646) 428-3800

Distribution of the Grievance Procedure

A copy of the procedure will be distributed to all employees and to all students or their parents/persons in parental relation. A copy of this procedure will be available for public inspection at reasonable times with the District Clerk and/or at the office of the Compliance Officer or Title IX Coordinator.

Ref: Age Discrimination in Employment Act of 1967 29 U.S.C. §621 et seq.
 Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
 Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq. (nondiscrimination based on race, color, and national origin in federally assisted programs) Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq. (nondiscrimination based on race, color, and national origin in employment)
 Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq. (nondiscrimination based on sex)
 Boy Scouts of America Equal Access Act 20 U.S.C. § 7905 et seq.
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794
 Individual with Disabilities Education Law, 20 U.S.C §§ 1400 et seq. Genetic Information Nondiscrimination Act of 2008 P.L. 110-233
 34 C.F.R. §§ 100.6, 104.8, 106.9, 110.25
 Executive Law §290 et seq. (New York State Human Rights Law) Education Law §§10-18 (The Dignity for All Students Act) Education Law §§313(3), 3201, 3201-a

Cross Ref: [0115 - Student Harassment, Discrimination, Hazing and Bullying Prevention and Intervention](#)
[5300 - Code of Conduct](#)
[9140.1 - Staff Complaints and Grievances](#)
[0110 - Policy Against Discrimination and Harassment of Students and Staff](#)

Cross References [0115 - Student Harassment, Discrimination and Bullying Prevention and Intervention](#)
[5300 - Code of Conduct](#)
[9140.1 - Staff Complaints and Grievances](#)
[0110 - Policy Against Discrimination and Harassment of Students and Staff](#)

POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT

The District is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered illegally harassing, coercive or disruptive. Discrimination or harassment based on race (including hair texture and protective hairstyles), color, national origin, creed, age, genetic information, reproductive health decisions, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law is strictly prohibited and will not be sanctioned or tolerated. The Board further recognizes that preventing and remedying illegal harassment and discrimination is essential to ensure a nondiscriminatory environment in which employees can work productively.

This policy prohibits unlawful workplace discrimination and harassment based upon any characteristic or status protected by applicable law other than sexual harassment (including sexual orientation, gender identity, gender expression and the status of being transgender). Complaints or concerns about workplace sexual harassment are addressed separately in the District's Policy Against Workplace Sexual Harassment (Policy # 0110.1). Student complaints or reports of harassment, including sexual harassment, discrimination or bullying, in violation of Policy # 0115 (Student Harassment, Discrimination and Bullying Prevention and Intervention) must be made and investigated pursuant to that Policy.

Prohibited Conduct

Harassment on the basis of any protected characteristic is strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race (including hair texture and protective hairstyles), color, national origin, creed, age, genetic information, reproductive health decisions, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law. This includes, but is not limited to: any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment. This prohibition extends to conduct by school employees, officers, board members, volunteers, students and non-employees such as agents, contractors and vendors, which occurs on school grounds or at school-sponsored events, programs or activities, including those that take place at locations off school premises or in another state.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the District's premises, circulated in the workplace, or on the internet.

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or bases protected by applicable law or this Policy. In addition, the School District shall not require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including the use of a particular drug, device or medical service.

Complaint Procedure

Any employee who believes that he or she has been subjected to prohibited harassment or discrimination or who has witnessed anyone engaging in prohibited harassment or discrimination should immediately contact a Compliance Officer. If the complaint involves or the employee is hesitant to bring the matter to the attention of a Compliance Officer, a report can be made to the Superintendent of Schools. If the complaint involves or the employee is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education.

The contact information for the District's Compliance Officer(s), Superintendent of Schools and Board of Education President are listed on the District's website and will be distributed to all employees each school year.

It is the responsibility of all supervisors to ensure that no employee is subjected to any form of prohibited harassment or discrimination. Should a supervisor become aware of the occurrence of harassment or discrimination, irrespective of whether the affected employee has filed a complaint, it is the responsibility of that supervisor to follow the procedures set forth below in order to ensure that appropriate action is taken to eliminate the harassment or discrimination and rectify the situation.

The following procedure must be followed when there is any indication that harassment or discrimination has taken, or is taking, place:

- An employee who raises a question or concern regarding harassment or discrimination should be encouraged to file a written complaint with a Compliance Officer. A form for filing the complaint is attached to this Policy. If the complaint involves or if the employee is hesitant to file the complaint with a Compliance Officer, the employee should file the complaint directly with the Superintendent of Schools. If the employee's complaint involves or the employee is hesitant to report to the Superintendent of Schools, the employee should file a complaint with the President of the Board of Education.
- In the event that a supervisor becomes aware of an occurrence of harassment or discrimination, but discovers that no complaint has been filed by the affected employee or that the employee is unwilling to file a complaint, the supervisor must immediately notify a Compliance Officer.

- All complaints about suspected harassment or discrimination will be investigated, whether that information was reported in oral or written form.
- All complaints of harassment or discrimination will be investigated by the Compliance Officer, or a designee of the Compliance Officer, Superintendent of Schools or the Board of Education (which may include a third party). The investigation will include, but not be limited to, interviewing the complaining party, the accused, any supervisors, and any other personnel, as necessary, to obtain sufficient factual information upon which to make a determination. All records of this investigation will be maintained in an independent and confidential file. Third parties may be designated to investigate the complaint or assist with any investigation.
- At the conclusion of the investigation, the investigator will report the findings to the Superintendent of Schools or, if the complaint involves the Superintendent of Schools, to the Board President. If it is found that prohibited harassment or discrimination has, in fact, occurred, appropriate corrective action will be taken.
- Where appropriate, the affected employee and the accused will be separately advised by the investigator as to the final disposition of the investigation.
- All investigations will be conducted in a prompt, thorough and impartial manner.

Confidentiality

At all stages of this process, the confidentiality and privacy of all parties, including complainants, informants, witnesses and the accused, will be respected to the extent possible and consistent with law while still conducting a thorough investigation of the complaint and taking appropriate corrective action as necessary.

Retaliation is Prohibited

Any act of retaliation against anyone who, in good faith, reports an incident of harassment or discrimination, or provides information or assists in an investigation of suspected harassment or discrimination as a witness or otherwise is prohibited and will not be tolerated.

For purposes of this Policy, retaliation includes, but is not limited to: adverse employment action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*), verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Anyone who retaliates against another in violation of this Policy is subject to appropriate corrective action including, but not limited to, disciplinary action, as warranted, in accordance with District policy, the District's Code of Conduct, and applicable laws, regulations and contractual provisions.

Any individual who believes that he or she has been subjected to any acts of retaliation should immediately report that conduct to a Compliance Officer. If the complaint involves or the individual is hesitant to bring the matter to the attention of a Compliance Officer, the report should be made to the Superintendent of Schools. If the complaint involves or the individual is hesitant to bring the matter to the attention of the Superintendent of Schools, the report should be made to the President of the Board of Education.

Interim Measures

If the complainant reports that (s)he feels unsafe at work due to the nature of the complaint, the District will determine if interim measures or accommodations need to be made pending the investigation and resolution of the complaint.

Corrective Action

If, after appropriate investigation, the District finds that there has been prohibited harassment, discrimination or retaliation in violation of this Policy or law, appropriate corrective action will be taken in accordance with an applicable collective bargaining or other agreement, District policy, the District's Code of Conduct and applicable laws and regulations.

If the accused is an employee, consequences may include, but are not limited to, disciplinary action up to, and including, termination of employment. If the accused is not a District employee, consequences may include, but are not limited to, termination of any contractual or other relationship between the District and the individual. If the accused is a student, appropriate disciplinary measures may be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Bad Faith Claims

If, after investigating a complaint of harassment or discrimination, it is determined that an individual has intentionally made a claim of harassment or discrimination in bad faith, or intentionally provided false information regarding a harassment, discrimination or retaliation complaint, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that individual.

Regulations

The Superintendent of Schools may develop and implement regulations regarding allegations of harassment or discrimination.

Dissemination and Training

This Policy will be available in each District facility, on the District's website, in

employee handbooks and will also be published annually in appropriate school publications. All new employees will receive information about this Policy at new employee orientation. All other employees will be provided information at least once a year regarding this Policy. The District's employees will be required to annually acknowledge receipt of this Policy.

The District's employees will be trained annually with regard to their rights and obligations pursuant to this Policy.

Review and Revision of Policy

A review of this Policy will be conducted periodically to consider its effectiveness and compliance with applicable State and federal law. Revisions will be recommended to the Board when appropriate.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
 Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*
 Americans with Disabilities Act
 Section 504 of the Rehabilitation Act of 1973
 Age Discrimination in Employment Act
 New York State Human Rights Law
Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
 Office for Civil Rights, *Dear Colleague Letter: Bullying* (October 26, 2010)

Adoption date: September 24, 2012 (formerly Sexual Harassment)

Revised date: January 12, 2016

Revised date: October 9, 2018

Revised date June 11, 2019

Revised date January 14, 2020

WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM

Use this form to file an internal claim of workplace discrimination or harassment (other than sexual harassment, which should be filed in accordance with Policy #0110.1), including hostile work environment, based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law.

PERSONAL INFORMATION

Name: _____

Building/Department: _____

Home Address: _____

Business Address: _____

_____ Zip _____

_____ Zip _____

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Business Phone: _____

DETAILS OF CLAIM

1. Claim of discrimination/harassment is based on (check one or more that apply):

☐ RACE☐ RELIGION☐ DISABILITY☐ COLOR☐ MARITAL STATUS☐ PREGNANCY OR
PREGNANCY -RELATED
CONDITION☐ NATIONAL ORIGIN☐ FAMILIAL STATUS☐ ARREST (NOT PENDING)☐ CREED☐ DOMESTIC VIOLENCE☐ CRIMINAL CONVICTION☐ AGE☐ VICTIM STATUS☐ MILITARY STATUS☐ VETERAN STATUS☐ GENETIC INFORMATION

() OTHER (explain)

2. Claim of discrimination/harassment is made against: Your Relationship to this person:

Name: _____ () Supervisor

Work Address: _____ () Co-worker

_____ () Subordinate

Work Phone: _____ () Other: _____

3. Incident(s) occurred on or about (date(s)):

4. Briefly describe the incident and your reasons for concluding that it was discriminatory/harassing. Include names of witness(es), if any, and attach supporting date, if available. Use an additional sheet(s), if necessary.

AFFIRMATION: I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination/harassment through judicial or administrative processes.

I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

DATE RECEIVED:

BY WHOM:

Signature

Print Name

Signature

Print Name

Signature

Print Name



Book	Policy Manual
Section	0000 Goals and Objectives
Title	Policy Against Workplace Sexual Harassment
Code	0110.1
Status	Active
Adopted	October 9, 2018
Last Revised	January 12, 2021
Last Reviewed	January 12, 2021
Prior Revised Dates	6/11/19

The Smithtown Central School District is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the District's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, Board members, student teachers, interns, non-employees (as defined below) and other persons conducting business with the District have a legal right to a workplace that is free from sexual harassment.

The District is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment. For more information, please see Policy 0100, Equal Opportunity, Nondiscrimination and Anti-Harassment; Policy 0110, Policy Against Workplace Discrimination and Harassment; and Policy 0115, Student Harassment, Discrimination and Bullying Prevention and Intervention.

Policy

This Policy applies to all employees, applicants for employment, Board members, student teachers, interns, non-employees (see definition below), and other persons conducting business with the District, regardless of immigration status, ("covered individuals") with respect to conduct by other persons, including parents, students and visitors.

For purposes of this Policy, a "non-employee" is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the District.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the District's Policies, unlawful, and may subject the District to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the District will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

What is "Sexual Harassment?"

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

“Sexual harassment” includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct and/or other verbal or physical aggression, intimidation or hostility that is based on a perceived gender and sexual stereotypes.

Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender identity, gender expression or transgender status when:

- the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual’s employment.

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

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

“Sexual Violence” means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A person may be incapable of giving consent due to age, drug or alcohol use, or an intellectual or other disability. Sexual violence includes but is not limited to, acts such as rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment.

“Dating violence” means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

Examples of Sexual Harassment

The following describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical acts of a sexual nature including:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person’s body or poking another person’s body; and
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target’s job performance evaluation, a promotion or other job benefits or detriments; and
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience that creates a hostile work environment.

- Sex stereotyping which occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
- Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including:
- Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;
- Sabotaging a person's work; and
- Bullying, yelling or name-calling.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

Retaliation is Prohibited

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated. Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District will be implemented.

No covered individual will be subject to adverse action(s) (e.g., being discharged, disciplined, discriminated against; etc.) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

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

Retaliation is unlawful pursuant to federal, State and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has, in good faith:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;
- opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment;
- reported that another employee has been sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to an immediate supervisor or Building Principal and/or a Title IX Compliance Officer. If the complaint involves or the individual is hesitant to report to an immediate supervisor, Building Principal or Title IX Compliance Officer, the individual should report the conduct to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education. Contact information for these individuals can be found on the District's website.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to an immediate supervisor or Building Principal and/or a Title IX Compliance Officer. If the complaint involves or the individual is hesitant to report to an immediate supervisor, Building Principal or Title IX Compliance Officer, the individual should report the conduct to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education. Contact information for these individuals can be found on the District's website.

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made in person, by mail, by telephone or by electronic mail, using the contact information listed for the Title IX Coordinator and/or Compliance Officer, or by any other means that results in the Title IX Coordinator and/or Compliance Officer receiving the person's verbal or written report. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator or Compliance Officer.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

Supervisory Responsibilities

Any supervisor or manager who receives a complaint or information about suspected sexual harassment, observes what may be sexually harassing behavior or for any reason becomes aware of or suspects that sexual harassment is occurring or has occurred, is required to report that suspected sexual harassment to the Building Principal and/or a Title IX Compliance Officer, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Building Principal or Title IX Compliance Officer, the supervisor/manager must report the suspected sexual harassment to the Superintendent of Schools. If the complaint or information involves the Superintendent of Schools, the supervisor/manager must report the suspected sexual harassment to the President of the Board of Education. Contact information for these individuals can be found on the District's website.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. The District will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The Title IX Compliance Officer, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the Title IX Compliance Officer, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Title IX Compliance Officer, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Title IX Compliance Officer, or designee, will prepare a complaint form based on the oral reporting.
- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the District will take steps to obtain and preserve them.
- The Title IX Compliance Officer, or designee, will request and review all relevant documents, including all electronic communications.
- The Title IX Compliance Officer, or designee, will interview all parties involved, including any relevant witnesses. Inform the harasser that he/she is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process.
- All known parties involved in the alleged harassment, including the alleged harasser, shall be notified of the allegations as soon as is reasonably practicable after receiving the complaint.
- All records of the investigation will be maintained in a secure and confidential location.
- The Title IX Compliance Officer, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The Title IX Compliance Officer, or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.

A determination of responsibility shall be made in writing by a decision-maker(s), who is (are) not the Title IX Coordinator or the investigator, by using the clear and convincing evidence standard to determine whether the alleged harasser is responsible for the alleged conduct. At the conclusion of the investigation, the Title IX Compliance Officer, or designee, will report the findings to the Superintendent of Schools. Such written determination must be provided to all parties simultaneously. Furthermore, such determination becomes final on either (1) the date that the parties are provided with written determination of the result of the appeal, or (2) if no appeal is filed, the date on which an appeal would no longer be considered timely. If it is found that prohibited sexual harassment has, in fact, occurred, the Compliance Officer, or designee, will make a recommendation to the Superintendent of Schools and appropriate corrective action will be taken.

The School District will also ensure that all individuals designated as a Title IX Coordinator, Compliance Officer, investigator, decision-maker, and any person facilitating the informal resolution process has received training regarding the definition of sexual harassment and how to conduct an investigation and grievance process.

Corrective Action

Any person, including covered individuals of every level, who is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (e.g., suspension or termination of employment). If the accused is a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the District and the non-employee or other individual.

If the accused is a student, appropriate disciplinary measures will be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Confidentiality

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the District to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

Bad Faith Claims

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that person, subject to any statutory or contractual limitations.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District, but it is also prohibited by State, federal and (where applicable) local law. Aside from the internal process at the District, covered individuals may also choose to pursue legal remedies including, for example, in court and/or with the below 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.

New York State Human Rights Law (HRL)

The HRL, codified as N.Y. Executive Law, Art. 15, § 290 et seq., applies to employers in New York State with regard to sexual harassment and protects employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court.

Complaints with the DHR may be filed any time within one year of the harassment. If an individual did not file at the DHR, they can sue directly in state court pursuant to the HRL within three years of the alleged harassment. An individual may not file with the 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 the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The contact information for DHR's Suffolk County Office is: State Office Building, 250 Veterans Memorial Highway, Suite 2B-49, Hauppauge, New York 11788, (631) 952- 6434, www.dhr.ny.gov. Individuals can contact the DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. You do not need an attorney to file a complaint with the EEOC and there is no cost to file. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she 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 \(1-800-669-6820 \(TTY\)\), visiting their website at \[www.eeoc.gov\]\(http://www.eeoc.gov\) or via email at \[info@eeoc.gov\]\(mailto:info@eeoc.gov\).](#) If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

United States Department of Education Office for Civil Rights (OCR)

OCR enforces Title IX of the federal Education Amendments of 1972 (codified as 20 U.S.C. §§ 1681-1688), which prohibits discrimination on the basis of sex, pregnancy, marital or parental status in employment, recruitment, consideration or selection for employment including recruitment, hiring, promotion, compensation, grants of leaves or benefits, as well as retaliation. Individuals whose employment is covered by Title IX can file a complaint with OCR, ordinarily within 180 days of the last act of harassment/discrimination. You do not need an attorney to file a complaint with OCR and there is no cost to file. OCR can be contacted at: 32 Old Slip, 26th Floor, New York, NY 10005-2500, (646) 428-3800.

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 or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Suffolk County may file complaints of sexual harassment with the Suffolk County Human Rights Commission at: H. Lee Dennison Building, 100 Veterans Memorial Hwy, Third Floor, Hauppauge, NY 11788, (631) 853-5480.

Contact the Police Department

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

Other District Policies

Employee complaints or reports of harassment (based on a status other than sex) or discrimination should be reported pursuant to Policy 0110, Policy Against Workplace Discrimination and Harassment. Student complaints or reports of harassment, including sexual harassment, discrimination, hazing or bullying should be made pursuant to Policy 0115, Student Harassment, Discrimination and Bullying Prevention and Intervention.

Dissemination and Training

This Policy should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location). The District will provide this Policy to all employees and will provide this Policy to new employees upon hire.

All employees will receive sexual harassment prevention training at least annually.

We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.

SEXUAL HARASSMENT COMPLAINT FORM

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to your immediate supervisor or Building Principal and/or a Title IX Compliance Officer. If your complaint involves or you are hesitant to submit this form to your immediate supervisor, Building Principal or a Title IX Compliance Officer, you should submit the form to the Superintendent of Schools. If your complaint involves or you are hesitant to submit this form to the Superintendent of Schools, you should submit this form to the President of the Board of Education. Contact information for these individuals can be found on the District's website. This form can be submitted in person or by email. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the District will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____
 Work Address: _____
 Work Phone: _____
 Job Title: _____ Email: _____
 Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____ Title: _____ Work Phone: _____
 Work Address: _____

COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made about:

Name: _____ Title: _____
 Work Address: _____ Work Phone: _____

Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other

2. Please describe what happened and how it is affecting you and your work.

Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ☐Yes ☐No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you retained legal counsel and would like us to work with them, please provide their contact information.

I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.

Signature: _____ Date: _____



Book	Policy Manual
Section	0000 Goals and Objectives
Title	Student Harassment, Discrimination, Hazing and Bullying Prevention and Intervention
Code	0115
Status	Active
Adopted	September 24, 2012
Last Revised	February 14, 2024
Prior Revised Dates	1/12/16, 10/9/18, 1/14/20

The Board of Education is committed to providing an educational environment that promotes respect, dignity and equality. The Board recognizes that discrimination, such as harassment, hazing and bullying, are detrimental to student learning and achievement. These behaviors interfere with the mission of the District to educate its students and disrupts the operation of the schools. Such behavior affects not only the students who are targets but also those individuals who participate in and witness such acts.

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the educative process, the operation of the school, the requirements of appropriate discipline in the operation of the school or impinges on the rights of others are prohibited, and may be subject to disciplinary consequences. Violators of this Policy and regulation may be subject to disciplinary consequences in accordance with legal guidelines and applicable contractual mandates.

This Policy prohibits unlawful harassment (including sexual harassment), discrimination, hazing and bullying against students. Complaints or concerns about workplace sexual harassment are addressed separately in the District's Policy Against Workplace Sexual Harassment (Policy # 0110.1). Complaints or concerns about workplace harassment (other than sexual harassment) or discrimination are addressed separately in the District's Policy Against Workplace Discrimination and Harassment (Policy # 0110).

Definitions

"Harassment" and "Bullying" are the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; or (b) reasonably causes or would reasonably be expected to cause a student to fear for his or her physical safety; or (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or

would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. “Hazing” is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Acts of harassment and bullying shall include, but not be limited to, those acts based on a person's actual or perceived:

- age,
- Race (including traits historically associated with race, including but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks and twists),
- color,
- national origin,
- sexual orientation,
- ethnic group
- gender (including gender identity and expression).
 - gender identity is one’s self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.
 - gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.
- sex,
- reproductive health decisions,
- disability,
- predisposing genetic characteristics,
- weight,
- religion,
- or religious practice.

For the purposes of this definition the term “threats, intimidation or abuse” shall include verbal and non-verbal actions.

“Cyberbullying” shall mean harassment or bullying as defined above, where such harassment or bullying occurs through any form of electronic communication.

The District aims to foster an educational setting wherein all students are treated with respect and dignity.

The District acknowledges that bullying and other forms of harassment or discrimination are disruptive and harmful to our students. Because bullying and other forms of harassment or discrimination are detrimental to our learning environment, our sense of community, and an individual’s well-being, the District does not and will not condone bullying, harassment or discrimination of any kind. The District strictly prohibits all forms of bullying, harassment and discrimination of students by District employees or students on school property or at school functions, regardless of whether they are conducted on the premises of the District. The District also prohibits all forms of off-campus bullying, harassment or discrimination including, but not limited to, “cyber-bullying,” which may include the use of instant messaging, e-mail, websites, chat rooms and text messaging or other form of electronic communication, or other acts in violation of this policy when such acts occur off school property and create or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property.

Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key District value. A program geared to prevention is designed to not only decrease incidents of bullying but to help students build more supportive relations with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through District-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur.

Curricular material that raise awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program K-12.

The District shall ensure that the course of instruction in grades kindergarten through twelve includes a component on civility, citizenship and character education. Such component shall instruct students on the principles of honesty, tolerance, personal responsibility, respect for others, with an emphasis on discouraging acts of harassment, bullying and discrimination, observance of laws and rules, courtesy, dignity and other traits which will enhance the quality of their experiences in, and contributions to, the community. The component shall support the development of a school environment free of harassment, bullying and discrimination and shall also include instruction on the safe, responsible use of the internet and electronic communications. For purposes of this policy, “tolerance,” “respect for others” and “dignity” shall include awareness and sensitivity to bullying, discrimination or harassment and civility in the relations of people which may be of different age, race, creed, color, national origin, sexual orientation, gender identity or expression, military status, sex, reproductive health decisions, disability, predisposing genetic characteristics marital status, weight, religion, or religious practice.

In order to implement this program, the Board has designated the Administrator for Guidance and Related Student Services as the District-Wide *Dignity Act Coordinator* (“District-Wide Coordinator”). The District-Wide Coordinator’s responsibilities are described in the accompanying regulation. The Board will also designate at its annual organizational meeting a *Dignity Act Coordinator* for each school in the District (“Building DAC”), and each Building DAC will be supported by a building-level *Dignity Act Coordination Team* (“DAC Team”). The role of the DAC Team is to oversee and enforce this policy in the school to which it is assigned.

Each Building DAC and each DAC Team will serve as *Bullying Prevention Coordinating Committees* in their respective schools. These teams will be overseen by the District-Wide Coordinator. DAC teams will include representation from staff, administration, and if needed, students and parents. The DAC Teams, working with the District-Wide Coordinator will assist the administration in developing and implementing specific prevention initiatives, including early identification of bullying and other strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying. The accompanying regulation provides more detail on the specific programs and strategies implemented by the District.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or District as a whole.

In addition, intervention will focus upon the safety of the target. Staff is expected, when aware of bullying, to report it in accordance with this policy, refer the student to designated resources for assistance, or to intervene in accordance with this policy and regulation.

Provisions for students who do not feel safe at school

The Board acknowledges that, notwithstanding actions taken by District staff, intervention may require a specific coordinated approach if the child does not feel safe at school. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the *building principal*. The *building principal*, other appropriate staff, the student and the student's parent/guardian will work together to define and implement any needed accommodations.

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually. The student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Incident Reporting and Investigation

Although it can be difficult to step forward, the District can't effectively address bullying if incidents are not reported. Students who have been bullied, parents whose children have been bullied or other students or staff who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to the *building principal* within one school day and to submit the District reporting form to the building principal within two school days. If a staff person is unsure of the reporting procedure, he/she is expected to inquire about how to proceed by speaking with his/her supervisor. A District employee may be deemed to have permitted unlawful discrimination or harassment if he/she fails to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this Policy, or, if applicable other District Policies, including the District's Code of Conduct. All Principals shall make regular reports to a Central Administrator designated by the Superintendent of Schools, who shall report to the Superintendent of Schools, on data and trends related to harassment, bullying and discrimination in their schools at least once a year.

An equitable and thorough investigation will be carried out by the *Building Principal* and/or designee in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

The Board will receive the annual SSEC report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the District as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Disciplinary Consequences/Remediation

While the focus of this Policy is on prevention, acts of bullying may still occur. In these cases, offenders will be given the clear message that their actions are wrong, and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced and age-appropriate will be taken by the administration in accordance with the District's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying will be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the District's Code of Conduct.

Non-Retaliation

The District expressly prohibits any retaliation against complainants, victims, witnesses and/or any individuals who initiate, testify, participate or assist in the investigation of any allegation or report of bullying, harassment or discrimination. The District's administrators will monitor participants in investigations and victims of bullying, harassment or discrimination to ensure that the behavior has ceased, no retaliation has occurred and support or counseling has been afforded to the involved individuals, as needed.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the District-wide DAC and the District Professional Development Team will incorporate training to support this program in new teacher orientation and the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to cafeteria and hall monitors and all staff who have contact with students. The DAC Teams will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Dissemination, Monitoring and Review

This policy, or a plain language summary, will be published in appropriate District notices and publications and posted on the District's website. A bullying complaint form will be available on the District's website. The District will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

Each year, as part of the annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The District will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity, Nondiscrimination and Anti-Harassment
 0110, Policy Against Workplace Discrimination and Harassment
 4321, Programs for Students with Disabilities
 5300, Code of Conduct
 5710, Violent and Disruptive Incident Reporting
 9700, Staff Development

Ref: Dignity for All Students Act, Education Law, §10 – 18
 Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
 Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
 Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
 Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794
 Individuals with Disabilities Education Law, 20 U.S.C. §§1400 *et seq.*
 Executive Law §290 *et seq.* (New York State Human Rights Law)
 Education Law §§313(3), 3201, 3201-a
 8 NYCRR 100.2(c), (l), (jj), (kk); 119.6
Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)
Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)
Pollnow v. Glennon, 594 F.Supp. 220, 224 *aff'd* 757 F.2d. 496
Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
Appeal of K.S. 43 Ed. Dept. Rep. 492
Appeal of Ravick 40 Ed. Dept. Rep. 262
Appeal of Orman 39 Ed. Dept. Rep. 811

Cross References [0100 - Equal Opportunity, Nondiscrimination and Anti-Harassment](#)
 [0110 - Policy Against Discrimination and Harassment of Students and Staff](#)
 [4321 - Programs for Students with Disabilities](#)
 [5300 - Code of Conduct](#)
 [9700 - Staff Development](#)

SOCIAL NETWORKING SITES

Philosophy Statement

To accommodate new communication paradigms and tools and remain at the forefront of preparing our students for the future, educators and school districts must explore new and emerging technologies to supplement the range of services they currently offer. Among the newest tools available to educators and school districts are social networking/media sites and social media platforms (hereinafter referred to as “SNS”).

SNS have great potential to connect people across the globe and to enhance communication; however, as a still developing method of communication and data sharing, SNS are also oftentimes more informal and less structured. These guidelines are designed to establish some basic parameters for the creation and use of SNS for the Smithtown Central School District and the use of SNS by the District, students, staff, employees and others.

Definitions:

Online – Any virtual or electronic network/space that is accessible by multiple individuals via the internet, intranet or data-based connection.

Social Media – forms of electronic communication through which users create or participate in online communities to share information, ideas, personal or group messages and other visual, audio or written content.

Social Networking/Media Sites/Platforms – types of online social media communities, including but not limited to, Twitter, Facebook, Instagram, SnapChat, VSCO, LinkedIn, Messenger, Pinterest, Yelp, Google, Wordpress, Youtube, blogs, *etc.*

Board of Education – the body of officials elected to serve the Smithtown C.S.D.; references to the Board of Education include all names, logos, buildings, images and entities under the authority of the Board of Education.

Cloud-Based Services – virtual data storage and sharing services, including but not limited to, Dropbox, GoogleDrive, Microsoft OneDrive, Outlook, GMail, digital photo storage sites, Board Docs, *etc.*

I. Establishing the District’s Social Networking Site

1. The Superintendent of Schools or his/her designee, subject to Board approval, will establish and maintain the official District SNS on Facebook, Instagram, and Twitter to further the public relations/outreach/connection to the District community and the public at large. The Superintendent of Schools or his/her designee will also monitor

all content posted by or about the District and its students, parents and staff on these official SNS.

2. Upon the recommendation of the Superintendent, the Board of Education will have the exclusive and final authority to determine whether individual District buildings/facilities/departments/activities/teams/etc. may initiate and maintain a separate page(s) or sub-page(s) on the District's SNS. All separate pages and subpages are owned by the District and will be considered a part of its SNS.
3. Applications for permission to maintain individual pages on the District's SNS must be made to the Superintendent or his/her designee, stating why a separate SNS page is desired and the potential benefit the separate page may provide the District.

Social Networking Sites (Continued)

II. Quality Control/Content Integrity on the District's SNS

1. The District's official website will remain the primary source for all official District-provided online content. Any and all material on the District's SNS will supplement information that exists on the District's official website.
2. If applicable, material/content that is entered into/posted to the District's SNS (*e.g.*, Facebook) account/page may include a link back to District's official website.
3. District personnel acknowledge that they have no expectation of privacy in any material or content they enter/post on the District's SNS. The District may monitor/review anything entered/posted on the District's SNS at any time and without prior notice to the individual(s) who entered/posted the material or other content being reviewed.
4. All material and content entered/posted on the District's SNS by District personnel must be school related and must comply with all other applicable District policies.
5. The Superintendent or his/her designee reserves the right to delete/remove anything posted on the District's SNS, as determined in the District's sole discretion, without prior notice to the individual who posted the material.
6. Employees and other school district officials must consult with the Superintendent or his/her designee before deleting posts, as certain information may be required to be maintained pursuant to NYS's Records Retention and Disposition Schedule ED-1 or pursuant to other laws, rules or regulations.
7. The Superintendent or his/her designee, will monitor the District's SNS to ensure users contribute accurate, valuable and high-quality school related information. Protocols will be developed by the Superintendent or his/her designee to govern the

daily operation of the District's SNS, including the respective rights and responsibilities of District SNS users. These protocols are subject to review and amendment by the Superintendent of Schools as deemed necessary.

8. District personnel acknowledge and agree that when they create or post material on the District's SNS they are in effect "content publishers" and as such are subject to a host of ethical and legal obligations including, but not limited to, compliance with applicable copyright laws. District personnel must not post anything on a District SNS in violation of any copyright or other applicable law.

III. Conduct guidelines for personal use of social media/networking sites by District Employees and the Board of Education:

1. Unless authorized to do so by the Superintendent of Schools or his/her designee, social media posts are not to be identified as official school district communications.
2. District personnel should be aware that privacy settings and SNS are constantly in flux, and they should never assume that personal information posted on such sites is protected.
3. Employees are encouraged, and, in some cases, required (*e.g.*, pursuant to FERPA), to obtain consent before using or mentioning the names of Board of Education members, employees, students or other members of the school district community on social networking sites.
4. Employees are encouraged to keep their personal social media activities/accounts private from students, so as to maintain the same professional boundaries online as are maintained in the classroom.
5. Unless authorized to do so by the Superintendent or his/her designee, employees may not use the Board of Education's logo or trademarks on non-work-related posts. Please note that this prohibition extends to the use of logos or trademarks associated with individual schools, programs or teams of the school district.
6. Employees are individually responsible for their personal posts on social media. Employees may be sued by other employees, parents or others, by any individual that views an employee's social media posts as defamatory, pornographic, proprietary, harassing, libelous or creating a hostile work environment. As such activities are outside the scope of employment, employees are personally liable for such claims.
7. Employees are required to comply with all Board of Education policies and procedures with respect to the use of computer equipment, networks or electronic devices when accessing social media sites.

8. Any access to personal social media activities while on school property, during working hours, or using school district equipment must comply with the District's policies, and may not interfere with an employee's duties at work.
9. If an employee is unsure about the confidential nature of information he/she is considering posting (*e.g.*, if the post may contain personally identifiable information about a student(s)), then he/she is strongly encourage to consult with his/her supervisor prior to posting the information.
10. Board members are advised to be cognizant of their simultaneous participation on social media pages/discussions/groups, as this may trigger NYS Open Meetings Law obligations.

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Social Networking Sites (Continued)

IV. Prohibited Conduct on All SNS Sites (including non-district SNS)

The Board of Education does not condone, and will take necessary action, when social media and online posts and other communications violate the law, Board policies or other school rules and regulations, including but not limited to instances in which online posts/communications:

1. Are harassing, discriminate against others, or otherwise violate New York State or federal law;
2. Are perceived as intimidating or bullying or violate/potentially violate the Dignity for All Students Act ("DASA");
3. Create a hostile environment for staff or students;
4. Contain personally identifiable information about students that is protected by the Family Educational Rights and Privacy Act ("FERPA");
5. Contain information about an individual that is protected from disclosure by the Health Insurance Portability and Accountability Act ("HIPAA") or other law;
6. Significantly disrupt school district operations;
7. Contain sexual content;
8. Are libelous/defamatory;
9. Encourage illegal activity;
10. Are threatening or abusive;
11. Contain information that may compromise the health and safety of staff or students;
12. Contain information or graphics that are subject to a copyright or trademark without first securing prior permission to post the material.

In addition, District personnel may not:

1. Post pictures, video, or any other material that identifies students or provides any information that would be considered confidential pursuant to the Family Education Rights and Privacy Act (FERPA) on SNS without the express consent of the parent or eligible student;
2. Use their District e-mail address for communications on non-District SNS;
3. Use SNS to create or maintain personal relationships with District students. For purposes of these guidelines, “personal relationships with students” means any behavior or conduct that is unrelated to course work or official school matters; or
4. Use District-sponsored social media for private financial gain, political, commercial, advertisement, or solicitation purpose.

IV. Disciplinary Sanctions

District personnel who violate this Policy may be subject to appropriate disciplinary measures up to and including termination of employment in accordance with applicable law, District policy and regulations, and any applicable collective bargaining agreement.

Social Networking Sites (Continued)

V. Compliance with Other Applicable Policies and Regulations

District personnel who utilize the District’s SNS, will be subject to all applicable District policies and regulations including, but not limited to, the following:

1. Confidentiality-Student Records
2. Electronic Access;
3. Student Harassment and Bullying Prevention and Intervention;
4. Staff-Student Relations;
5. Equal Opportunity, Nondiscrimination and Anti-harassment;
6. Policy Against Discrimination and Harassment of Students and Staff.

Adopted: February 27, 2018

The Board of Education recognizes its responsibility to enact policies that provide privacy and security for student, teacher and principal data in accordance with law to the extent practicable. This is particularly relevant in the context of the administration of student, teacher and principal data which is collected, surveys that collect personal information, and the disclosure of personal information for marketing purposes and in conducting physical exams.

As provided in Education Law Section 2-d and/or its implementing regulations, the following terms, as used in this policy, will mean:

- a) "Breach" means the unauthorized acquisition, access, use, or disclosure of student data and/or teacher or principal data by or to a person not authorized to acquire, access, use, or receive the student data and/or teacher or principal data.
- b) "Building principal" means a building principal subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- c) "Classroom teacher" means a teacher subject to annual performance evaluation review under the provisions of Education Law Section 3012-c.
- d) "Commercial or marketing purpose" means the sale of student data; or its use or disclosure for purposes of receiving remuneration, whether directly or indirectly; the use of student data for advertising purposes, or to develop, improve, or market products or services to students.
- e) "Contract or other written agreement" means a binding agreement between an educational agency and a third-party, which includes, but is not limited to, an agreement created in electronic form and signed with an electronic or digital signature or a click-wrap agreement that is used with software licenses, downloaded, and/or online applications and transactions for educational technologies and other technologies in which a user must agree to terms and conditions prior to using the product or service.
- f) "Disclose" or "disclosure" means to permit access to, or the release, transfer, or other communication of personally identifiable information by any means, including oral, written, or electronic, whether intended or unintended.
- g) "Education records" means an education record as defined in the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.

- h) "Educational agency" means a school district, board of cooperative educational services (BOCES), school, or the New York State Education Department (NYSED).
- i) "Eligible student" means a student who is eighteen years or older.
- j) "Encryption" means methods of rendering personally identifiable information unusable, unreadable, or indecipherable to unauthorized persons through the use of a technology or methodology specified or permitted by the Secretary of the United States Department of Health and Human Services in guidance issued under 42 USC Section 17932(h)(2).
- k) "FERPA" means the Family Educational Rights and Privacy Act and its implementing regulations, 20 USC Section 1232g and 34 CFR Part 99, respectively.
- l) "NIST Cybersecurity Framework" means the U.S. Department of Commerce National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1). A copy of the NIST Cybersecurity Framework is available at the Office of Counsel, State Education Department, State Education Building, Room 148, 89 Washington Avenue, Albany, New York 12234.
- m) "Parent" means a parent, legal guardian, or person in parental relation to a student.
- n) "Personally identifiable information (PII)," as applied to student data, means personally identifiable information as defined in 34 CFR Section 99.3 implementing the Family Educational Rights and Privacy Act, 20 USC Section 1232g, and, as applied to teacher or principal data, means personally identifying information as this term is defined in Education Law Section 3012-c(10).
- o) "Release" has the same meaning as disclosure or disclose.
- p) "Student" means any person attending or seeking to enroll in an educational agency.
- q) "Student data" means personally identifiable information from the student records of an educational agency.
- r) "Teacher or principal data" means personally identifiable information from the records of an educational agency relating to the annual professional performance reviews of classroom teachers or principals that is confidential and not subject to release under the provisions of Education Law Sections 3012-c and 3012-d.

s) "Third-party contractor" means any person or entity, other than an educational agency, that receives student data or teacher or principal data from an educational agency pursuant to a contract or other written agreement for purposes of providing services to the educational agency, including but not limited to data management or storage services, conducting studies for or on behalf of the educational agency, or audit or evaluation of publicly funded programs. This term will include an educational partnership organization that receives student and/or teacher or principal data from a school district to carry out its responsibilities pursuant to Education Law Section 211-e and is not an educational agency, and a not-for-profit corporation or other nonprofit organization, other than an educational agency.

t) "Unauthorized disclosure" or "unauthorized release" means any disclosure or release not permitted by federal or state statute or regulation, any lawful contract or written agreement, or that does not respond to a lawful order of a court or tribunal or other lawful order.

District Data Privacy and Security Standards

The School District will use the National Institute for Standards and Technology Framework for Improving Critical Infrastructure Cybersecurity (Version 1.1) (Framework) as the standard for its data privacy and security program. The Framework is a risk-based approach to managing cybersecurity risk and is composed of three parts: the Framework Core, the Framework Implementation Tiers, and the Framework Profiles. The Framework provides a common taxonomy and mechanism for organizations to:

- a) Describe their current cybersecurity posture;
- b) Describe their target state for cybersecurity;
- c) Identify and prioritize opportunities for improvement within the context of a continuous and repeatable process;
- d) Assess progress toward the target state; and
- e) Communicate among internal and external stakeholders about cybersecurity risk.

The School District will protect the privacy of PII by:

a) Ensuring that every use and disclosure of PII by the District benefits students and the School District by considering, among other criteria, whether the use and/or disclosure will:

1. Improve academic achievement;
2. Empower parents and students with information; and/or
3. Advance efficient and effective school operations.

b) Not including PII in public reports or other public documents.

The School District affords all protections under FERPA and the Individuals with Disabilities Education Act and their implementing regulations to parents or eligible students, where applicable.

Data Protection Officer

The School District has designated a School District employee to serve as the School District's Data Protection Officer.

The Data Protection Officer is responsible for the implementation and oversight of this policy and any related procedures including those required by Education Law Section 2-d and its implementing regulations, as well as serving as the main point of contact for data privacy and security for the School District.

The School District will provide training to the Data Protection Officer to administer these functions. The Data Protection Officer may perform these functions in addition to other job responsibilities.

Data Collection Transparency and Restrictions

As part of its commitment to maintaining the privacy and security of student data and teacher and principal data, the School District will take steps to minimize its collection, processing, and transmission of PII. Additionally, the School District will:

a) Not sell PII nor use or disclose it for any marketing or commercial purpose or facilitate its use or disclosure by any other party for any marketing or commercial purpose or permit another party to do so.

- b) Ensure that it has provisions in its contracts with third-party contractors or in separate data sharing and confidentiality agreements that require the confidentiality of shared student data or teacher or principal data be maintained in accordance with law and School District policy.

Except as required by law or in the case of educational enrollment data, the School District will not report to NYSED the following student data elements:

- a) Juvenile delinquency records;
- b) Criminal records;
- c) Medical and health records; and
- d) Student biometric information.

Nothing in Education Law Section 2-d or this policy should be construed as limiting the administrative use of student data or teacher or principal data by a person acting exclusively in the person's capacity as an employee of the School District.

Privacy and Security of Student Data

The Board of Education is committed to protecting the privacy and security of each and every student's data. In accordance with law, the following shall govern parental rights concerning their child's data:

1. A student's personally identifiable information cannot be sold or released for any commercial purposes.
2. Parents/guardians have the right to inspect and review the complete contents of their child's education record.
3. The confidentiality of a student's personally identifiable information is protected by existing state and federal laws, and safeguards such as encryption, firewalls, and password protection, must be in place when data is stored or transferred. Third party contractors are required to employ technology, safeguards and practices that align with the National Institute of Standards and Technology Cybersecurity Framework.

4. A complete list of all student data elements collected by the State Education Department is available for public review at:

<http://www.nysed.gov/common/nysed/files/programs/student-data-privacy/collected-data-elements.pdf>, or by writing to the Office of Information & Reporting Services, New York State Education Department, Room 863 EBA, 89 Washington Avenue, Albany, NY 12234.

5. Parents/guardians have the right to file complaints about possible breaches of student data. Parents/guardians may submit a complaint regarding a potential breach by the School District to the Superintendent of Schools or his/her designee. The School District shall promptly acknowledge any complaints received and commence an investigation into the complaint, while taking the necessary precautions to protect personally identifiable information. The School District shall provide a response detailing its findings from the investigation no more than sixty (60) days after receipt of the complaint. Complaints pertaining to the State Education Department or one of its third party vendors should be directed in writing to the Chief Privacy Officer, New York State Education Department, 89 Washington Avenue, Albany NY 12234, email to CPO@mail.nysed.gov.
6. In the event of a data breach or unauthorized disclosure of students' personally identifiable information, third party contractors are required by law to notify the School District within seven (7) days of discovery of the breach or unauthorized disclosure.
7. If the District enters into a contract with a third party in which student, teacher, or principal data is shared with a third party, the School District will require the third party to provide evidence that it has adopted a data and security plan in accordance with Education Law, section 2-d and will post as supplemental information be appended to the Parents' Bill of Rights the following information:

- a. the exclusive purposes for which the student data will be used;

- b. how the vendor will ensure that subcontractors, persons or entities that the vendor will share the student data with, if any, will abide by data protection and security requirements;
 - c. that student data will be returned or destroyed upon expiration of the Agreement;
 - d. if and how a parent, student, or eligible student may challenge the accuracy of the student data that is collected; and
 - e. where the student data will be stored (described in such a manner as to protect data security), and the security protections taken to ensure such data will be protected, including whether such data will be encrypted.
8. Parents may access the State Education Department's Parents' Bill of Rights at: <http://www.nysed.gov/common/nysed/files/programs/student-data-privacy/parents-bill-of-rights.pdf>.
9. The School District will post a Parents' Bill of Rights in accordance with the requirements of Education Law.
10. The School District will designate a Data Protection Officer on an annual basis who shall be responsible for the implementation of policies and procedures required by law and to serve as the point of contact for data security and privacy for the School District.

The School District will publish on its website the supplement to the Bill of Rights (i.e., the supplemental information described above) for any contract or other written agreement it has entered into with a third-party contractor that will receive PII from the School District. The Bill of Rights and supplemental information may be redacted to the extent necessary to safeguard the privacy and/or security of the School District's data and/or technology infrastructure.

The School District will maintain a record of all complaints of breaches or unauthorized releases of student data and their disposition in accordance with applicable data retention policies, including the Records Retention and Disposition Schedule ED-1.

Third-Party Contractors

School District Responsibilities

The School District will ensure that whenever it enters into a contract or other written agreement with a third-party contractor under which the third-party contractor will receive student data or teacher or principal data from the School District, the contract or written agreement will include provisions requiring that confidentiality of shared student data or teacher or principal data be maintained in accordance with law and School District policy.

In addition, the School District will ensure that the contract or written agreement includes the third-party contractor's data privacy and security plan that has been accepted by the School District.

Surveys

The Board of Education recognizes that student surveys are a valuable tool in determining student needs for educational services. In accordance with law and Board policy, parental consent is required for minors to take part in surveys which gather any of the following information:

1. political affiliations or beliefs of the student or the student's parent/guardian;
2. mental or psychological problems of the student or the student's family;
3. sex behavior or attitudes;
4. illegal, anti-social, self-incriminating or demeaning behavior;
5. critical appraisals of other individuals with whom respondents have close family relationships;
6. legally recognized privileged or analogous relationships, such as those of lawyers, physicians and ministers;
7. religious practices, affiliations or beliefs of the student or the student's parent/guardian;
- or
8. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such program).

In the event that the School District plans to survey students to gather information included in the list above, the School District will obtain written consent from the parent/guardian in advance of

administering the survey. The notification/consent form will also apprise the parent/guardian of their right to inspect the survey prior to their child's participation.

Marketing

It is the policy of the Board of Education not to collect, disclose, or use personal information gathered from students for the purpose of marketing or selling that information or providing it to others for that purpose. "Personal Information" is defined as: "individually identifiable information concerning the student, including a student's or parent's first and last name, home address, telephone numbers and/or social security number." This does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to students or educational institutions such as:

1. College or other postsecondary education recruitment, or military recruitment;
2. Book clubs, magazines and programs providing access to low-cost literary products;
3. Curriculum and instructional materials used in schools;
4. Tests and assessments used to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information for students or to generate other statistically useful data for the purpose of securing such tests and assessments, and the subsequent analysis and public release of the aggregate data from such tests and assessments;
5. Student recognition programs; and
6. The sale by students of products or services to raise funds for school-related activities.

In the event that such data is collected by the School District, disclosure or use of student personal information will be protected by the School District pursuant to the requirements of the Family Educational Rights and Privacy act (FERPA). [For guidance regarding the disclosure of "directory information," rather than personal information, see Policy 5500, Student Records.]

Inspection of Instructional Material

Parents/guardians shall have the right to inspect, upon request, any instructional material, used as part of the educational curriculum for students. "Instructional material" is defined as: "instructional content that is provided to a student, regardless of format including printed or representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). It does not include tests or academic assessments."

A parent/guardian who wishes to inspect and review such instructional material shall submit a request in writing to the Building Principal. Upon receipt of such request, arrangements shall be made to provide access to such material to within thirty (30) calendar days after the request has been received.

Invasive Physical Examinations

Prior to the administration of any non-emergency, invasive physical examination or screening that is required as a condition of attendance, which examination is administered by the School District and is not necessary to protect the immediate health or safety of the student or other students and not otherwise permitted or required by state law, a student's parent/guardian will be notified and given an opportunity to opt their child out of the exam. Hearing, vision and scoliosis screenings are not subject to prior notification. The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injecting into the body, but does not include a hearing, vision or scoliosis screening.

Notification of Rights

Parents/guardians and eligible students shall be notified of this policy at least annually, at the beginning of the school year and when enrolling students for the first time in the School District's schools. In the annual notification, the School District shall notify the parents/guardians and eligible students of the specific or approximate dates during the school year when the activities involving collection, disclosure or use of personal information collected from students for the purpose of marketing or selling the information, administration of any surveys, and any non-emergency, invasive physical exams or screenings, are scheduled or expected to be scheduled.

The annual notification shall also inform parents/guardians and eligible students that, upon request, the School District will disclose the name, address and telephone number of high school students to military recruiters and institutions of higher learning unless the parents/guardians or eligible students exercise their right to prohibit the release of the information without prior written consent. The School District shall also notify parents/guardians and eligible students within a reasonable period of time after any substantive change to this policy.

Notification of Breach or Unauthorized Release

The School District will notify affected parents, eligible students, teachers and/or principals of a breach or unauthorized release of information as set forth in Policy 8635, Information Security Breach and Notification.

Cross-ref: 5500 Student Records
 8635 Information Security Breach and Notification

Ref: 20 USC §1232h (No Child Left Behind Act)
 34 CFR Part 98
 Education Law, section 2-d
 Education Law §903
 8 NYCRR Part 121

Adoption Date: September 22, 2020

STAFF COMPLAINTS AND GRIEVANCES

Grievance procedures are designed to resolve conflicts that may arise in the workplace. These procedures are often defined in collective bargaining agreements and a staff member covered by a collective bargaining agreement with a negotiated grievance procedure should present his/her grievance in accordance with those procedures. A staff member who is not covered by a collective bargaining agreement containing a negotiated grievance procedure has the right to present a complaint or grievance in accordance with the procedures established pursuant to this policy. Staff members have the right to present these grievances free from coercion, interference, restraint, discrimination or reprisal.

The Superintendent of Schools will implement a regulation including a multi-stage grievance procedure with an appellate stage for resolving grievances of staff members not covered by a collective bargaining agreement with a negotiated grievance procedure. Staff complaints of discrimination or harassment will be resolved pursuant to the procedures set forth in policy 0110, "Policy against Harassment and Discrimination." Staff complaints that cannot be resolved pursuant to this policy or policy 0110 will be subject to the discretion of the Board of Education as to the method by which the complaint may be brought.

This policy and regulation will be filed with the District Clerk and the State Civil Service Commission within 15 days of adoption or amendment, as required by law.

Cross-ref: 0110, Policy against Discrimination and Harassment of Students and Staff
5300, Code of Conduct

Ref: General Municipal Law, Article 15-c
Civil Service Law, Article 14
Matter of Gatje, 24 E.D.R. 191 (1984)

Adoption date: March 26, 2012

Revised date: January 12, 2016

Reviewed: August 2017

Notice of Employee Rights and Remedies pursuant to NYS Labor Law Section 203-E regarding the prohibition of discrimination based on an employee's or a dependent's reproductive health decision making

Prohibition of discrimination based on an employee's or a dependent's reproductive health decision making.

1. An employer shall be prohibited from accessing an employee's personal information regarding the employee's or the employee's dependent's reproductive health decision making, including but not limited to, the decision to use or access a particular drug, device or medical service without the employee's prior informed affirmative written consent.

2. An employer shall not:

(a) discriminate nor take any retaliatory personnel action against an employee with respect to compensation, terms, conditions, or privileges of employment because of or on the basis of the employee's or dependent's reproductive health decision making, including, but not limited to, a decision to use or access a particular drug, device or medical service; or

(b) require an employee to sign a waiver or other document which purports to deny an employee the right to make their own reproductive health care decisions, including use of a particular drug, device, or medical service.

3. An employee may bring a civil action in any court of competent jurisdiction against an employer alleged to have violated the provisions of this section. In any civil action alleging a violation of this section, the court may:

(a) award damages, including, but not limited to, back pay, benefits and reasonable attorneys' fees and costs incurred to a prevailing plaintiff;

(b) afford injunctive relief against any employer that commits or proposes to commit a violation of the provisions of this section;

(c) order reinstatement; and/or

(d) award liquidated damages equal to one hundred percent of the award for damages pursuant to paragraph (a) of this subdivision unless an employer proves a good faith basis to believe that its actions in violation of this section were in compliance with the law.

4. Nothing in this section shall be construed to limit any rights of an employee provided through any other provision of law, common law or collective bargaining unit.

5. Any act of retaliation for an employee exercising any rights granted under this section shall subject an employer to separate civil penalties under this section. For the purposes of this section, retaliation or retaliatory personnel action shall mean discharging, suspending, demoting, or otherwise penalizing an employee for:

(a) making or threatening to make, a complaint to an employer, co-worker, or to a public body, that rights guaranteed under this section have been violated;

(b) causing to be instituted any proceeding under or related to this section; or

(c) providing information to, or testifying before, any public body conducting an investigation, hearing, or inquiry into any such violation of a law, rule, or regulation by such employer.

* 6. An employer that provides an employee handbook to its employees must include in the handbook notice of employee rights and remedies under this section.

* NB Effective January 7, 2020