

By-Laws

SUBJECT: NON-DISCRIMINATION

The BOCES shall not discriminate on the basis of age, sex, race, color, creed, religion, national origin, political affiliation, marital status, military/veteran status, disability, sexual orientation or predisposing genetic characteristic in the educational programs or activities which it operates, or against any employee or applicant seeking a position of employment. The BOCES will be in full compliance with all applicable rules and regulations pertaining to civil rights for students and employees (e.g., Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990).

Appropriate procedures shall be developed to insure the implementation of these rules and regulations concerning civil rights. The Board shall appoint a Civil Rights Compliance Officer to coordinate civil rights activities applicable to the BOCES (see subheading below).

Grievance Procedure

Prior to instituting a formal grievance, the grievant is encouraged to discuss the alleged violation with the program administrator. In the event that the situation is not resolved informally, then the following procedure should be undertaken.

Step One

All grievances should be submitted, in writing, to the appropriate compliance administrator c/o Dutchess County Board. The grievance statement should indicate all aspects of the complaint. If deemed necessary, a hearing will be granted within ten working days of receipt of the grievance; otherwise, a written response will be made within ten working days. If a hearing is granted, the compliance administrator shall have ten working days from the date of the hearing to render a decision. The disposition of the grievance shall be in writing and submitted to the grievant.

Step Two

In the event that the grievant is not satisfied with the resolution of the grievance at the first step, he/she may submit a written appeal to the District Superintendent within ten working days of receipt of the disposition in Step one resolution. The District Superintendent will conduct a hearing, if deemed necessary, within ten working days. If a hearing is granted, the District Superintendent shall have ten working days to act upon the grievance. The disposition of the grievance shall be in writing and copies shall be sent to the grievant.

Step Three

Appeals from the decision by the District Superintendent in Step Two shall be filed, in writing, with the BOCES within ten days of receipt of the grievance. It shall be filed with the Clerk of the Board.

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The Board or its designated sub-committee will hear the grievance within fifteen working days of its receipt, and shall permit the grievant to address the Board or sub-committee. Within ten working days after the hearing, the Board shall render its decision. Copies of this decision shall be submitted to all persons involved.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses and/or any other individuals who participated in the investigation of a complaint of harassment.

The grievant may be represented by counsel of his/her own choosing at any time during this grievance procedure. The grievant also has the right to present his/her grievance directly to :

Office of Civil Rights, Region 11
Federal Plaza
New York, NY 10007
(212) 264-4633

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2000-e, et seq. – Prohibits discrimination on the
basis of race, color, religion, sex or national origin.

Title VI of the Civil Rights Act of 1964,
42 United States Code (USC)
Section 2000-e, et seq. – Prohibits discrimination on the
basis of race, color, religion, sex or national origin.

Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.;
The Americans With Disabilities Act,
42 United States Code (USC)
Section 2000-e, et seq. – Prohibits discrimination on the
basis of race, color, religion, sex or national origin

Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.;
Prohibits discrimination on the basis of sex.

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New York State Executive Law
Section 290 et seq. – Prohibits discrimination on the
Basis of age, race, creed, color, national origin, sex,
Disability or marital status.

Age Discrimination in Employment Act
29 United States Code (USC) Section 621

Military Law Sections 242 and 243

NOTE: Refers also to Policies #5120--Equal Employment Opportunity
#5121--Sexual Harassment of BOCES Personnel
#6440--Sexual Harassment of Students
#6460--Equal Educational Opportunity (Students)
#7120--Students with Disabilities
#7130--Career and Technical Education