

**AVERILL PARK CENTRAL SCHOOL DISTRICT
TITLE IX, AND SECTION 504**

TO: All Staff

FROM: Kimberly Nugent, Title IX Compliance Officer and Sexual Harassment
Compliance Officer
Dr. Camille Harrelson, Section 504 Coordinator

DATE: March 1, 2024

Attached please find a copy of the grievance procedures for resolution of complaints alleging discrimination based upon sex or disability. The Averill Park Central School District's Board of Education, its officers and employees shall not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, genetic predisposition, carrier status, and sexual orientation in its educational programs, services or activities. If you feel that you have been a victim of discrimination, please follow the procedures outlined in the attached.

In compliance with Section 504 (of the Rehabilitation Act of 1973) Averill Park offers assistance to staff qualifying as having a disabling condition as defined under Section 504.

For further information or to make a referral for such assistance, you may contact:

Kimberly Nugent, Title IX Coordinator and Sexual Harassment Compliance Officer
District Office
146 Gettle Road, ST1
Averill Park, NY 12018

Dr. Camille Harrelson, Section 504 Coordinator
District Office
146 Gettle Road, ST1
Averill Park, NY 12018

Thank you.

**FORM FOR
GRIEVANCE PROCEDURES FOR RESOLUTION OF
COMPLAINTS ALLEGING
DISCRIMINATION BASED UPON SEX OR DISABILITY**

Name of person making the complaint:

Student _____

Employee _____

School or Department _____

Statement of Complainant: Describe your complaint – i.e., why you feel you have been discriminated against on the basis of your sex, or disability – in as much detail as possible. Include names, dates, witnesses etc. Use additional sheets if necessary.

Solution Requested by Complainant:

Signature of Student or Employee

Date Submitted: _____

PLEASE FORWARD TO:

Kimberly Nugent, Title IX Compliance Officer and Sexual Harassment Compliance Officer and/or Dr. Camille Harrelson, Section 504 Coordinator

Copies of this form may be obtained in any school office including high school guidance, middle school guidance, elementary main offices, bus garage office and CSE office.

AVERILL PARK CENTRAL SCHOOL DISTRICT
GRIEVANCE PROCEDURES
FOR RESOLUTION OF COMPLAINTS ALLEGING
DISCRIMINATION BASED UPON SEX OR DISABILITY

LEVEL ONE PROCEDURE:

Any student or employee in the Averill Park Central School District (APCSD) who wishes to file a grievance (complaint) regarding alleged discrimination based upon sex (including sexual harassment) or disability shall make such a complaint in writing on forms available in any of the school offices; Central Office, Averill Park High School Guidance Office, Algonquin Middle School Guidance Office, West Sand Lake School Office, Poestenkill School Office, Miller Hill/Sand Lake School Office, Bus Garage Office and Committee on Special Education Office.

Said form should then be given to the District Title IX Compliance Officer, Sexual Harassment Compliance Officer and/or Section 504 Compliance Officer.

Compliance Officer or his/her designee will then:
Investigate, within one week (seven calendar days), the circumstances of the complaint.
Render a decision, within two weeks (14 calendar days) after receipt of complaint, and notify the Complainant.
Provide the Complainant one-week (seven calendar days) to react to the decision before it becomes final.

The Complainant's responsibilities will be:

- Accept the decision, in writing, addressed to the Compliance Officer;
- or;
- Disagree with the decision, in writing, addressed to the Compliance Officer.

The failure of the Complainant to make a response will be considered as his/her acceptance of the decision.

In the event that the District's Level One Officer (i.e. the Title IX Compliance Officer, Sexual Harassment Compliance Officer and/or the Section 504 Compliance Officer or his/her designee) is involved in the alleged discrimination, the Compliance can bypass the Level One Procedure and proceed directly to the Level Two Procedures.

LEVEL TWO PROCEDURE:

After completion of the Level One Procedure the Complainant can start the Level Two Procedure by making a written request to the Compliance Officer.

The Compliance Officer requests the Superintendent of Schools to review the complaint.

The Superintendent will schedule a meeting within one week (seven calendar days) of the receipt of the request for review. The participants shall be the Complainant (the Complainant may be accompanied by his/her parent(s), guardian, spouse or friend), the Compliance Officer, and the Superintendent; only the Complainant and the Compliance Officer may present information or otherwise actively participate in the meeting.

The Superintendent will make a decision within one week (seven calendar days) which shall be final. The Complainant and the Compliance Officer will receive copies of the decision.

OTHER CHANNELS FOR FILING COMPLAINTS:

There are other agencies with which complaints alleging discrimination based upon sex or disability can be filed. Please note that since each agency has its own rules on deadlines for filing complaints, a check should be made with each agency to determine its particular rules for filing complaints.

The Complainant may also file a complaint alleging discrimination based upon sex or disability with:

Federal Office for Civil Rights
6 Federal Plaza
New York, New York 10278

New York State Division for Human Rights
Alfred E. Smith State Office Building
25th Floor
P. O. Box 7063
Albany, New York 12225-0063

Complainants who are employees (not students) may also file a complaint of employment discrimination with:

Equal Employment Opportunity Commission (EEOC)
New York District Office
90 Church Street
Room 1505
New York, New York 10007
(212) 264-7161

Also, as detailed in Section 310 of the New York State Education Law, and Part 275 of the Regulations of the Commissioner of Education, “Any person conceiving himself aggrieved may appeal or petition to the commissioner of education.....” The address is:

New York State Commissioner of Education
New York State Education Department
Washington Avenue
Albany, New York 12234

Although not legally required, it is strongly recommended the Complainants go through the school district’s grievance procedure before filing a complaint through the other channels listed above.

DEFINITIONS:

Grievance: a complaint alleging discrimination based upon sex (including harassment) or disability – an issue that reaches Level One Procedure. This issue involves the violation, interpretation, or application of Title IX of the Education Amendments of 1972 (forbids discrimination on the basis of sex) and with Section 504 of the Rehabilitation Act of 1973 (forbids discrimination on the basis of disabling condition).

Student: any person enrolled as a student in any school and/or educational or recreational program authorized by the School District.

Employee: any full-time or part-time teacher, secretary, clerk, custodian, cleaner, administrator, or other person receiving compensation for services rendered by the School District.

Complainant: person making the complaint alleging discrimination based upon sex or disability.

Compliance Officer: the person(s) designated by the School District's Board of Education to coordinate efforts to comply with Title IX Rules and Regulations, and with Section 504 of the Rehabilitation Act of 1973.

Superintendent: The Superintendent of Schools or his/her designated representative.