

OCM BOCES DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE

Any student or employee in the BOCES who wishes to file a complaint regarding discrimination or harassment shall make such a complaint in writing using the BOCES approved Harassment and/or Discrimination Complaint/Report Form.

- The complaint form may be obtained by accessing the “Notice of Non-discrimination” box on the OCM BOCES website, www.ocmboces.org
- The complaint form is also available in the main office at each BOCES facility

If unable to make the complaint in writing, students may contact a teacher, counselor, administrator or the Compliance Officer to assist with putting the complaint in writing. Employees may contact their department head or the Compliance Officer. The written complaint must be signed by the person making the complaint, dated, and include at a minimum, the following information:

- Date(s), time(s), place(s) of alleged incident(s)
- Alleged perpetrators of the discrimination or harassment (names, identifiers, etc)
- Description of each incident, by date
- Witnesses, if any (names and identifying information)
- Other relevant information
- Desired resolution – what you’d like to see change as a result of the investigation

The written complaint should be forwarded to the Compliance Officer or the administrator or department head assisting the person making the complaint. If forwarded to the principal or other administrator, s/he will forward the complaint form to the Compliance Officer.

Upon receipt of a written complaint, the Compliance Officer or his/her designee will:

- Begin a fact-finding investigation which will be prompt and equitable to all parties. The investigation may include interviews of appropriate witnesses.
- Render a decision within two (2) weeks after receipt of complaint, and notify the complainant, Superintendent, and others who need to be advised of the decision. If additional time is needed for good cause, (e.g., key witnesses cannot be interviewed in a timely manner), the decision will be made as soon as reasonably possible. If the decision is to be delayed for good cause, the complainant, Superintendent, and other material parties shall so be notified and an estimated date for a decision will be noted.
- Within one (1) week of the decision, enact or implement the changes/recommendations, if any, based on the decision.
- The person making the complaint has one (1) week from the date s/he received the compliance Officer’s decision to accept or appeal the decision.
 - a. Accept the decision: By notifying the Compliance Officer in writing;
 - b. Disagree with the decision: Appeal the decision by notifying the Compliance Officer, or Superintendent in writing (see Appeals below).

- c. If the person making the complaint fails to notify the Compliance Officer or Superintendent of his/her acceptance or disagreement with the decision, it will be assumed that the resolution is acceptable, and the Compliance Officer will ensure the changes / recommendations are implemented appropriately.

Appeals: Superintendent-level appeal

1. The Compliance Officer will forward all materials, including the letter requesting appeal of the initial decision, to the Superintendent for review.
2. The Superintendent or his/her designee will schedule a meeting within two (2) weeks of receipt of the request for review/appeal.
3. The participants at the scheduled meeting shall be, at a minimum, the complainant, the Compliance Officer, and the Superintendent and/or his/her designee. The accused may be in attendance as well.
4. The Superintendent, or his/her designee(s), shall conduct a prompt, impartial, equitable and thorough review of the materials. S/he shall have the right to re-interview witnesses, e.g., if testimony is unclear or new evidence has been brought to light, or to interview additional witnesses if needed to ensure an equitable decision.
5. The Superintendent, or his/her designee, will present his/her decision within three (3) weeks after the meeting of the parties unless additional time is needed for good cause. If additional time is needed, material parties shall so be notified and provided with an estimated date of the appeal decision.
6. The decision of the Superintendent or designee shall be in writing, and sent to the complainant, the accused, the principal of the school of the complainant, and the Compliance Officer.
7. The complainant has one (1) week to accept or appeal the Superintendent-level decision. The complainant shall notify the Superintendent's office, in writing, whether s/he accepts or wishes to appeal the decision. If complainant fails to notify the Superintendent of the Compliance Officer of his/her acceptance or disagreement with the decision, it will be assumed that the resolution is acceptable, and the Compliance Officer will ensure the changes / recommendations are implemented appropriately.

Concurrent Appeals or Appeal of the Superintendent level appeal

A complainant can, while the investigation is happening at the school level, also contact any of the following agencies and request that an independent investigation be conducted:

New York State Office for Enforcement

(for civil rights discrimination based on race, color, national origin, sex, and/or disability)

Office for Civil Rights

Phone: 646-428-3900 / 800-421-3481

U.S. Department of Education

Fax: 646-428-3843

32 Old Slip, 26th floor

TDD: 877-521-2172

New York, NY 10005-2500

E-mail: OCR.NewYork@ed.gov