

GENDER BASED EQUITY

The South Colonie Central School District does not discriminate on the basis of gender in any educational program or activity that it sponsors. Because of the scope of this subject area this policy is divided into the following categories:

- General Policy;
- Education Programs or Activities; and
- Employment.

GENERAL POLICY**1. Remedial and Affirmative Action**

The District shall take affirmative action and remedial steps to overcome the effects of any past and present discrimination on the basis of gender.

2. Self-Evaluation

The District shall:

- a. evaluate all current policies on the admission and treatment of students and employment of personnel within the District;
- b. modify any policies that are not in accordance with policies against gender discrimination; and
- c. take remedial steps, if necessary, to eliminate the effects of gender discrimination.

The self-evaluation by the District shall be maintained by the District for three (3) years and be made available to the public upon request.

3. Assurances

All educational programs and activities operated and maintained by the District do not discriminate on the basis of gender. This assurance commits the District to taking any and all remedial action to eliminate discrimination on the basis of sex or eliminate the effects of past discrimination.

4. Designation of Responsible Employee

The District designates one (1) individual to coordinate and carry out the responsibilities of non-discrimination on the basis of gender in educational programs and activities. This individual is responsible for investigating any and all complaints of non-compliance with this section or any discrimination on the basis of gender. The District has notified students and employees of the name, office address, and telephone number(s) of the responsible employee.

The responsibility of the Gender Equity Coordinator is to oversee and to monitor the grievance procedure.

5. Performance Responsibilities

- a. It is the obligation of the Coordinator to develop a gender equity grievance procedure which provides for due process for use by students and employees that provides information about the availability and use of the grievance procedure, and further maintains a record of all grievance problems and solutions.
- b. Inform District personnel of the Gender Equity Coordinator's responsibilities and assure periodic meetings of employees to update staff on gender equity activities.
- c. Provide continuous review of District bulletins, catalogues, Board of Education policies, counseling procedures, yearbooks and administrative regulations and practices related to compliance with gender equity.
- d. Ascertain that annual notice of the Gender Equity Coordinator's name, office address, and telephone number is placed in school catalogues and handbooks.
- e. Review student sponsored organizations and suggest criteria for compliance with gender equity.
- f. Become familiar with resource information for assistance with self-evaluation and remediation available from the Office of Civil Rights.
- g. Develop a systematic procedure for monitoring compliance with gender equity.
- h. Assure that cooperative training agreements and District contracts have appropriate gender equity and non-discrimination clauses on the basis of gender statements.

6. Dissemination of Policy

The District ensures that all applicants for employment, students, parents, referral sources, unions and professional organizations are properly notified that the District does not and is required not to discriminate on the basis of sex in any educational program and/or activity. Such notification shall be provided to all students and employees on any and all written communications, including memorandums, newspapers, magazines and other such materials prepared by the District.

EDUCATION PROGRAMS OR ACTIVITIES

It is the policy of the South Colonie Central School District not to exclude, deny, or subject any person to discrimination under any academic, extracurricular activity, research or occupational training on the basis of gender.

For purposes of this policy the District shall not, on the basis of a person's gender:

- treat individuals differently from one another in determining whether a person is entitled to receive any benefit or service;
- provide benefits or services in a different manner;
- deny any benefit or service;

- subject any individual to different or separate rules with respect to behavior, sanctions or any other treatment;
- apply a rule regarding the domicile or residence of a student or applicant;
- provide assistance to any agency, organization or individual which discriminates in providing any benefit or service to students and/or employees based upon gender;
- limit any individual from the enjoyment of any right, privilege or opportunity on the basis of gender.

1. Comparable Facilities

The District provides separate locker rooms, bathrooms and shower rooms on the basis of gender, provided that these separate facilities for one sex are comparable to the facilities provided to the opposite sex.

2. Access of Course Offerings

No course offered by the District shall be provided separately on the basis of gender, or require or refuse participation in any course on the basis of gender.

Students may be grouped in physical education classes and activities without regard to gender. Students may be separated in physical education classes or activities on the basis of gender if the program or activity involves bodily contact such as wrestling, boxing, rugby, football, and/or basketball.

In measuring the skill or progress of individuals in physical education class, the District has appropriate measurement standards that do not have an adverse effect on individuals of one gender over another.

Classes or portions of classes that deal primarily with human sexuality may be provided in separate sessions for males and females.

3. Counseling

The District does not discriminate on the basis of gender in the counseling or guidance of students.

A guidance counselor or other counselor employed by the District does not use different testing or other materials for counseling on the basis of gender, unless the different tests or materials cover the same content areas and such tests or materials are shown to eliminate gender bias. All counselors shall develop and use tests and materials that do not discriminate on the basis of gender. If the use of tests or other materials results in a substantially disproportionate number of individuals of one particular gender in a particular course, then that counselor shall take appropriate steps to assure that the disproportionate numbers are not the result of discrimination on the basis of gender.

If one particular class has a substantially disproportionate number of students of one particular gender, then the District shall make all assurances that this disproportionate number is not the result of any discrimination on the basis of gender in counseling or tests or other materials administered or used by such counselors.

4. Employment Assistance to Students

If the District assists any agency, organization or individual in making employment available to its students, the District shall make assurances that such employment does not discriminate on the basis of gender. The District shall not provide services to any agency, organization or individual that discriminates on the basis of gender in its employment practices.

5. Marital or Parental Status

The District does not have any rule regarding a student's actual or potential parental, family, or marital status which has the effect of treating a student differently on the basis of gender.

The District does not discriminate and does not exclude any student from any program, activity, class or extracurricular activity on the basis of the student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery thereof, unless the student voluntarily agrees to participate in a separate program, activity, class or extra-curricular activity provided by the District. Any such separate program, activity, class or extracurricular activity maintained by the District for the voluntary participation of such individuals must be made comparable to that program, activity, class or extracurricular activity offered to non-pregnant students.

The District may require a pregnant student to obtain a physician's certification that the student is physically and emotionally able to continue in the participation of any program, activity, class or extracurricular activity. However, this physician certification must also be required for all students with other physical and/or emotional conditions.

The District treats any and all disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery thereof, in the same manner as those students suffering from a temporary disability or physical condition.

6. Athletics

No student is excluded or denied participation in any interscholastic, club or intramural athletics on the basis of gender. The District may maintain separate teams for individuals of the two (2) genders when selection is based upon competitive skill or a contact sport.

The Director of Athletics shall ensure equal opportunities for both genders in interscholastic, club or intramural athletics. Factors considered by the Director of Athletics to determine equal opportunities are:

- a. selection of sports and levels of competition accommodating the interests and abilities of both genders;
- b. equipment and supplies;
- c. schedules for practices and games;
- d. travel;
- e. opportunity for coaching and academic tutoring;
- f. assignment and compensation of coaches and tutors;
- g. locker rooms, practice and competitive facilities;
- h. medical and training facilities and services;
- i. housing and dining facilities and services; and
- j. publicity.

Unequal expenditures for separate male and female teams does not constitute noncompliance. But, the failure to provide necessary funds to a particular team of one gender may be assessed when determining if equal opportunities are available to both genders.

7. Textbooks and Curricular Materials

This policy does not require or prohibit the use of particular textbooks or materials based upon gender.

EMPLOYMENT

It is the policy of the South Colonie Central School District that no person shall, on the basis of gender, be excluded from participation in, be denied the benefits of, or be subject to discrimination in employment, or recruitment, consideration, or selection therefor. This policy applies to the recruitment, advertising, hiring, promotion, consideration and award of tenure, rates of pay, job assignments, leave for pregnancy, fringe benefits, employer-sponsored activities and any other term, condition or privilege of employment.

In providing compensation, services or benefits to one (1) gender pursuant to a New York State or local law then that same compensation, service, or benefit shall be provided to the opposite gender.

The District shall not enter into any contract or relationship that subjects employees to discrimination. The District shall not give an applicant for employment a preference on the basis of that applicant's attendance at an educational institution which admits predominately one (1) gender, if the preference has the effect of discriminating on the basis of gender.

1. Employment Criteria

Employment tests and/or other such criteria do not have a disproportionately adverse effect upon individuals on the basis of gender, unless such test or criteria is shown to predict the validity of successful performance for the position of employment and alternative tests or criteria, which do not have such a disproportionately adverse effect, are unavailable.

2. Recruitment

The recruitment and hiring of employees by the District does not discriminate on the basis of gender. If it is found that the District is presently, or has in the past, discriminated in the recruitment and hiring of employees on the basis of gender, then the District shall recruit members of such discriminated gender to overcome such past and/or present discrimination.

3. Compensation

No policy, practice, or rule of the District makes any distinction in rates of pay or other compensation or results in the payment of wages of one (1) gender at a lesser rate than that paid to the opposite gender for equal work on the basis of gender.

4. Job Classification and Structure

The District does not make classifications for jobs as being designated for males only or for females only.

Additionally, the District does not have separate progression lines, seniority lists, career ladders or tenure systems on the basis of gender, unless gender is a bona fide employment qualification for that particular position.

5. Fringe Benefits

For the purposes of this policy, fringe benefits are any medical, hospital, accident, life insurance or retirement benefit, service, policy or plan, any profit-sharing or bonus plan, leave, and any other benefit or service of employment.

The District does not discriminate on the basis of sex in making fringe benefits available to employees and/or their spouses, families or dependents; in participating and/or offering a fringe benefit plan that does not provide for equal periodic benefits or equal contributions; or in participating and/or offering a pension or retirement plan which gives different retirement ages based upon gender or which otherwise discriminates on the basis of gender.

6. Marital or Parental Status

The District does not have any policy pertaining to the potential marital, parental, or family status which would have the effect of treating opposite genders differently. Additionally, the District does not discriminate or exclude any employee on the basis of pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery thereof.

The District treats temporary disabilities related to pregnancy, childbirth, termination of pregnancy, or recovery thereof, in the same manner as policies and practices related to temporary disability or physical condition, including commencement, duration and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service.

If the District does not maintain a leave policy then pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery thereof, shall be a justification for a leave of absence without pay for a reasonable period of time. At the conclusion from such leave of absence, that employee shall be reinstated to the status at which she held before the leave of absence or to a comparable position without a decrease in pay, loss of promotional opportunities or loss of any other right or privilege.

7. Advertising

The District does not advertise for employment which would discriminate on the basis of gender, unless gender is a bona fide employment qualification for the particular position.

8. Pre-Employment Inquiries

The District does not make pre-employment inquiries as to the marital status of an applicant. Further, the District may make pre-employment inquiries as to the gender of an applicant as long as such inquiry is made equally for both genders and the results thereof are not used in connection with any discriminatory practice.

9. Gender as a Bona Fide Employment Qualification

If gender is a bona fide employment qualification, the District must show that consideration of gender is essential to the successful operation of the employment. This does not prohibit the consideration of an applicant's gender in relation to employment in a locker room or bathroom used by one (1) particular gender.

Reference: 20 U.S.C. § 1681 et seq.
34 C.F.R. §§ 106.1-106.11.
34 C.F.R. §§ 106.31-106.42.
34 C.F.R. §§ 106.51-106.61.

Adopted: April 1, 2003