

**D-210 – CITYWIDE AND COMMUNITY EDUCATION COUNCIL CODE OF CONDUCT AND COMPLAINT PROCEDURES: ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY –
12/22/2021**



Number: **D-210**

Subject: **CITYWIDE AND COMMUNITY EDUCATION COUNCIL CODE OF CONDUCT AND COMPLAINT PROCEDURES: ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY**

Category: **CITYWIDE AND COMMUNITY EDUCATION COUNCILS**

Issued: **December 22, 2021**

ABSTRACT

This regulation sets forth the New York City Department of Education’s Anti-Discrimination and Anti-Harassment policy governing the conduct of the elected and appointed members of the Community and Citywide Education Councils and establishes a procedure for the filing and resolution of complaints of violation of this regulation.

INTRODUCTION

The New York City Department of Education (“DOE”) recognizes that parent leadership and engagement is the cornerstone of DOE schools. It is the policy of the DOE to develop and maintain a positive and supportive environment for elected and appointed parent leaders that is free of discrimination, harassment, bias, racism, and intimidation. The DOE is committed to the treatment of all parents with respect and dignity and the provision of opportunities for fair and just participation and parent engagement. The DOE is committed to affirming diverse racial, linguistic and cultural identities in parent leadership, elevating and centering historically marginalized voices, and empowering parents as agents of social change.

As elected or appointed parent leaders, Council Members have the duty to observe a high standard of ethics, integrity and decorum. Council Members are expected to be exemplary role models on the councils and in the communities in which they serve, and to fulfill their responsibilities in a way that respects the rights of all parents and students they serve.

In addition to complying with this regulation, Council Members must comply with all laws, by-laws, rules or regulations, standards, directives and agreements that pertain to their role as Council Members.

DEFINITIONS

The following definitions apply for purposes of this regulation.

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1. CCEC refers to a Community District Education Council and/or Citywide Council.
2. Council Member refers to an elected or appointed member of one of the 32 Community District Education Councils, or 4 Citywide Councils: Citywide Council on High Schools, Citywide Council on Special Education, Citywide Council on English Language Learners, and Citywide Council for District 75.
3. Conduct refers to verbal and physical acts and behavior, including a Council Member’s use of oral and written language, when it occurs during or at (a) CCEC meetings, (b) events hosted by the CCEC, (c) CCEC elections and campaigns, (d) public appearances and events a Council Member attends in their official capacity, and (e) other activities when such conduct creates or would foreseeably create a risk of disruption within the district or school community the Council Member serves and/or interferes with the functioning of the CCEC or the performance of the Council Member’s CCEC duties.
4. FACE is the DOE’s Office of Family and Community Empowerment, a team responsible for developing and supporting parent governance structures in New York City schools.
5. The Equity Compliance Officer (“ECO”) is a designated DOE employee responsible for the receipt, response, processing, and investigation of complaints alleging violations of this regulation.
6. FACE Equity Council (“Equity Council”) is a team of parent leaders from the Councils and Chancellor’s Parent Advisory Council appointed by FACE that shall provide recommendations to FACE on the hiring and retention of the ECO and may provide recommendations on the resolution of complaints submitted to the ECO.
7. A parent is a parent (by birth or adoption, step-parent or foster parent), legal guardian, or person in parental relation to a child. A person in parental relation to a child is a person who is directly responsible for the care and custody of a child on a regular basis in lieu of a parent or legal guardian.
8. Personally identifiable information includes but is not limited to name, age, home or work address, telephone number, date of birth, citizenship status, racial or religious affiliation, employer and employment status, names of schools attended by children, and children’s educational placement or program.
9. OSI is the New York City Department of Education’s Office of Special Investigations.
10. SCI is the Special Commissioner of Investigation for the New York City School District, an independent agency that investigates alleged misconduct in the New York City School District.

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I. SCOPE

- A. Conduct that violates this regulation may serve as a basis for discipline, even if it does not rise to the level of a violation of federal, state or local discrimination laws.
- B. A Council Member who violates this regulation, including during such Council Member's candidacy or prior to beginning their Council term, may be subject to discipline as set forth in Section III.
- C. Council Members shall not cause, request, or encourage any person, entity or organization with which they are affiliated to promote or engage in conduct that would violate this regulation if engaged in by the Council Member.

II. CODE OF CONDUCT

- A. The DOE prohibits discrimination or harassment on the basis of actual or perceived race, color, religion, creed, ethnicity, national origin, alienage, citizenship status, age, marital status, partnership status, disability, sexual orientation, gender, and military status.
- B. Council Members shall not engage in any conduct that subjects any person or entity to discrimination or harassment on the bases set forth in Section II.A.
- C. Council Members shall not engage in conduct that serves to harass, intimidate, or threaten, including but not limited to frequent verbal abuse and unnecessary aggressive speech that serves to intimidate and causes others to have concern for their personal safety.
- D. The DOE does not tolerate disrespect towards children. Council members shall not engage in conduct involving derogatory or offensive comments about any DOE student.

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- E. Council Members shall not engage in conduct that would publicly reveal, share or expose private or personally identifiable information about a DOE student or a member of such student’s family without their consent.
- F. Council Members shall not use any email list, listserv, website, social media account or other communication platform to which they have access through their position as a Council Member to make false statements about others, for their own personal benefit or private gain, or to endorse an individual candidate or slate of candidates.
- G. Council Members must ensure that any parent or student contact information acquired by the Council is safeguarded from disclosure and is used only for legitimate, official Council purposes, and not for personal communications, lobbying or campaigning.
- H. Council Members shall not use their position to personally or financially benefit themselves, their family members, or any person or firm with whom they have a business or financial relationship.
- I. Council Members are responsible for familiarizing themselves with this regulation and participating in all training and continuing education opportunities hosted by FACE pursuant to New York Education Law Section 2590-e(7).

III. CORRECTIVE AND DISCIPLINARY ACTION

Corrective or disciplinary action may be appropriate when a Council Member’s conduct violates this regulation, or any other applicable provision of law, by-laws, rules or regulations, standards, directives and agreements.

Any corrective or disciplinary action shall be taken consistent with Education Law Section 2590-l and may include, but is not limited to, issuance of an order to cease improper conduct or take required action, or suspension or removal of a member.

Council Members who have been removed from office for their conduct may be prohibited from subsequently serving on any Council, or school or district Title I Parent Advisory Council.

IV. COMPLAINT PROCESS

A. Filing a Complaint

- 1. Individuals may file complaints alleging a violation of this regulation with the ECO using any of the following methods: electronically by using the complaint form available at [link forthcoming]; or by notifying the ECO by email, phone, mail, or in person at the number or addresses provided at the end of this regulation.

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2. Complaints must state the name of the complainant(s) and include a telephone number or email address where they may be contacted. Anonymous complaints will not be accepted.
3. A complaint alleging a violation of this regulation shall be submitted no more than 60 calendar days after the alleged incident.
4. During the complaint process, language assistance services shall be provided as necessary consistent with Chancellor’s Regulation A-663.
5. In addition, individuals may file complaints alleging violations of this regulation directly with SCI at <https://nycsci.org/online-complaint-form/> or 212-510-1400.
6. A complaint filed with the ECO that alleges conduct involving corruption, criminal activity, or conflict of interest shall be referred to SCI and, when criminal activity is alleged, the New York City Police Department.

B. Initial Response

1. The ECO shall acknowledge receipt of a complaint in writing to the complainant within 2 business days of receipt. The ECO shall provide a copy of the complaint to the FACE Equity Council.
2. Complaints shall be kept on file with FACE. The complaint and investigation shall be kept confidential except as set forth in Section IV.C.3.
3. If the ECO, in consultation with the Equity Council, believes that the alleged conduct is criminal in nature, poses an immediate danger to the safety or welfare of students or any DOE employee, or is contrary to the best interest of the New York City school district, the ECO may request that the Chancellor suspend or remove the Council Member who is the subject of the complaint pending completion of the investigation of the complaint.

C. Procedures for Investigating Complaints

1. Within 3 business days of receipt of a complaint, the ECO shall review to determine whether the complaint alleges conduct prohibited by this regulation.
2. If the ECO determines the complaint alleges conduct prohibited by this regulation, the ECO shall conduct an investigation by interviewing the parties and witnesses and reviewing relevant evidence. A subject of a complaint has the right to respond to the allegations. The ECO shall complete their investigation within 60 calendar days of receipt of a complaint.
3. It is the DOE’s policy to respect the privacy of all parties and witnesses regarding complaints made pursuant to this regulation. However, the need for confidentiality must be balanced against the obligation to conduct and cooperate with required investigations, to provide due process to the subject, and/or to take necessary action to conciliate or resolve the complaint. Therefore, information

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regarding the complaint may need to be disclosed in certain circumstances as appropriate.

4. Following the investigation, the ECO shall submit a written report of findings and a recommendation as to whether there has been a violation of this regulation and recommended corrective or disciplinary action to the Equity Council. The Equity Council shall review the findings and recommendations and, within 10 calendar days, provide its recommendation to the ECO.
5. In the event of a disagreement between the ECO and the Equity Council, the recommendation of the ECO shall govern.

D. Decision

1. Within 60 calendar days of the ECO's receipt of the complaint, the ECO will provide their recommendation to the Chancellor as to whether there has been a violation of this regulation, and the appropriate corrective or disciplinary action, unless circumstances warrant extension of the time period.
2. Within 10 business days of receiving the recommendation from the ECO, the Chancellor or designee will issue a written determination as to whether there has been a violation of this regulation, and the appropriate corrective or disciplinary action. Complainant(s) and subject(s) will be informed in writing of the determination.

E. Opportunity for Conciliation

1. Prior to the implementation of any corrective or disciplinary action, the Council Member subject to such action will be provided with an opportunity for conciliation with the Chancellor or Chancellor's designee within 10 calendar days of the Chancellor's decision.
2. The Chancellor may suspend or remove a Council Member without an opportunity for conciliation if the conduct:
 - a. is criminal in nature,
 - b. poses an immediate danger to the safety or welfare of students or any DOE employee, or
 - c. in the judgment of the Chancellor, is contrary to the best interest of the New York City school district.

V. RETALIATION

It is the policy of the DOE to prohibit retaliation against any individual who objects to discriminatory practices or who complains of discrimination or harassment pursuant to this regulation, or who files or participates in the investigation of an alleged violation of this regulation. Any adverse act against individuals due to said participation is considered

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retaliatory.

VI. ANNUAL REVIEW

This regulation shall be reviewed on an annual basis by the ECO and Equity Council and updated if and as necessary in accordance with law.

VII. INQUIRIES

Inquiries pertaining to this regulation should be addressed to:

Office of Family and Community Empowerment
N.Y.C. Department of Education
52 Chambers Street - Room 405
New York, NY 10007
Telephone: 212-374-4118
Email: FACE@schools.nyc.gov

Equity Compliance Officer
N.Y.C. Department of Education
52 Chambers Street - Room [TBD]
New York, NY 10007
Telephone: [TBD]
Email: [TBD]