



**Department of
Education**

Dennis M. Walcott, Chancellor

Public Comment Analysis

Date: June 25, 2012

Topic: Proposed Amendments to Chancellor's Regulation A-830

Date of Panel Vote: June 26, 2012

Summary of Proposed Amendments to Chancellor's Regulation A-830

Chancellor's Regulation A-830 sets forth the New York City Department of Education's Anti-Discrimination Policy and establishes an internal review process for employees, applicants for employment, parents of students, students, and others who do business with the DOE, use DOE facilities or otherwise interact with the DOE who wish to file complaints of unlawful discrimination or harassment, or retaliation based on such complaints. The regulation is being amended to add weight as a protected category with respect to students, in accordance with the requirements of the New York State Dignity For All Students Act. In addition, the following amendments have been made: (1) the title of this regulation has been changed to clarify that the regulation contains both the DOE's Anti-Discrimination Policy and procedures for filing internal complaints of discrimination; (2) the regulation clarifies what constitutes prohibited discriminatory conduct by DOE employees against other employees, applicants for employment and other individuals who do business with the DOE, use DOE facilities, or otherwise interact with the DOE; (3) the regulation clarifies what constitutes prohibited discriminatory conduct by DOE employees against students; (4) supervisors must report instances or complaints of discrimination immediately and a supervisor's failure to report a complaint of discrimination may constitute a violation of this regulation; (5) behavior that violates the DOE's Anti-Discrimination Policy may serve as a basis for discipline, even if the behavior does not constitute a violation of law; (6) the DOE's Anti-Discrimination Policy applies to conduct whether or not intentionally offensive or directed at a particular person or group; (7) employees who violate the policy may be subject to legal sanctions and appropriate disciplinary action; (8) the regulation clarifies who can file complaints by providing that DOE employees, applicants for employment, parents, students and others who do business with the DOE, use DOE facilities or otherwise interact with the DOE can file complaints; (9) DOE employees are expected to cooperate with OEO investigations and are required to report if summoned by the Office of Equal Opportunity (OEO) and are expected to cooperate with OEO investigations; and (10) witnesses who knowingly make a false accusation of discrimination may be subject to discipline.

**Summary of Issues Raised in Written and Oral Comments and
Significant Alternatives Suggested**

No public comments were received regarding this proposal.

**Analysis of Issues Raised, Significant Alternatives Proposed and
Changes Made to the Proposal**

The DOE has made no changes to the proposed amendments to the regulation. The regulation will be presented to the Panel for Education Policy as posted.

A copy of the regulation can be obtained at:

<http://schools.nyc.gov/AboutUs/leadership/PEP/publicnotice/2011-2012/June2012PEPRegulations>