

Anti-Semitism in NYC Public Schools: Parents' Recourse

The Office of Equal Opportunity and Diversity Management (“OEO”) enforces the DOE’s Anti-Discrimination Policy against (1): DOE employees; (2): “[i]ndividuals who are not employed by the DOE but work with students;” and, when another DOE employee has been victimized, (3): “[i]ndividuals who are not employed by the DOE but who work with DOE employees.”

Violations of the DOE’s Anti-Discrimination Policy

1. NYC DOE Anti-Discrimination Policy as applied to Equal Educational Opportunity (when the student is a victim)

- a. It is a violation of Chancellor's Regulation A-830 “for any DOE employee to discriminate against or create a hostile school environment for a student by conduct, whether on school property/DOE facilities, during a DOE program or activity, including online learning/working, on the basis of any of the [**below-listed**] grounds, including sexual harassment (as defined in Section IX), where such conduct:
- i. (1) has or would have the effect of unreasonably and substantially interfering with a student’s ability to participate in or benefit from an educational program, school-sponsored activity or any other aspect of a student’s education; or
 - ii. (2) has or would have the effect of unreasonably and substantially interfering with a student’s mental, emotional or physical well-being; or
 - iii. (3) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; or
 - iv. (4) reasonably causes or would be expected to cause physical injury or emotional harm to a student.”
- b. Grounds for discrimination applicable where student has been victimized:
- i. race, color, religion, age, creed, ethnicity, national origin, alienage, citizenship status, disability, sexual orientation, gender, or weight.

2. NYC DOE Anti-Discrimination Policy as applied to Equal Employment Opportunity (when the victim is (1): a DOE employee; (2): a DOE applicant; or (3): another individual who does business with the DOE, works with DOE employees or students, uses DOE facilities or otherwise interacts with the DOE)

- a. It is also a violation of Chancellor's Regulation A-830 “for any DOE employee to engage in conduct, whether on school property/DOE facilities or during a DOE program or activity, including online learning/working, that subjects another employee to discrimination and/or harassment on the basis of any of [**the below listed**] protected classifications, including sexual harassment (as defined in Section IX), where such conduct:

- i. (1) subjects a DOE employee/applicant to inferior terms, conditions, or privileges of employment; or
 - ii. (2) creates a hostile, offensive, or intimidating work environment.
 - b. **Protected Classifications applicable to employment-based discrimination**
 - i. actual or perceived race, color, **religion, creed, ethnicity**, national origin, alienage, citizenship status, age, marital status, partnership status, disability, sexual orientation, gender, height, weight, military status, unemployment status, prior record of arrest or conviction, caregiver status, consumer credit history, predisposing genetic characteristics, sexual and reproductive health decisions, or status as a victim of domestic violence, sexual offenses, or stalking.
- 3. **Parents are also protected under Chancellor’s Regulation A-830 and may use the same procedures listed below to report incidents of discrimination.**
- 4. **Conduct prohibited even if unintentional:**
 - a. Conduct prohibited by the NYC DOE Anti-Discrimination Policy as described above constitutes a violation of Chancellor’s Regulation A-830 “**whether or not intentionally offensive or directed at a particular person or group.**”
- 5. **Violations for conduct occurring off school grounds and apart from DOE-sponsored activities**
 - a. “It is also a violation of this regulation for any **DOE employee** to engage in the conduct noted above off school property/DOE facilities **when such conduct disrupts or would foreseeably disrupt the educational process or endangers or would foreseeably endanger the health, safety, morals, or welfare of the school community.**”

Complaint Procedures for Discrimination Against DOE Employees

- 1. **Notify OEO by:**
 - a. **Filing an electronic complaint:**
 - i. <https://www.nycenet.edu/o eo>
 - b. **Emailing**
 - i. oeoinquiries@schools.nyc.gov
 - c. **Calling**
 - i. 718-935-3320
 - d. **Mailing to or appearing in person at:**
 - i. 110 William Street, 15th Floor
New York, NY 10038

2. The following supports and/or interventions may be offered to any parties or witnesses after the complaint is filed:

- a. referral to in-school or out-of-school medical services;
- b. guidance interventions (e.g., referral to the school social worker, guidance counselor, psychologist, or other appropriate school resource);
- c. referral to community-based agencies for counseling, support, and/or education or mental health services;
- d. academic supports and adjustments (e.g., change in classes, lunch/recess, or after-school program schedules; extension of deadlines); and/or
- e. development of an individual support plan.

Investigation Procedures and Consequences Where Violation is Found

1. OEO first determines whether discrimination has been properly alleged.

2. OEO then conducts an investigation:

- a. Parties are interviewed
 - b. Evidence is submitted and reviewed
 - c. OEO **must issue written findings within 90 days** absent an extension granted for good cause.
 - d. The Chancellor or the Chancellor's designee then reviews and makes a final determination as to whether A-830 has been violated.
3. If there is a determination that a violation has occurred, OEO will confer with the school's principal or supervisor who shall determine if disciplinary action is required.
4. "A DOE employee who engages in conduct which violates this regulation may be subject to appropriate follow-up action or discipline, up to and including termination, even if such conduct does not rise to the level of violating federal, state or local anti-discrimination laws."