

POLICY

2020

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SUBJECT: SEXUAL HARASSMENT

It is the policy of the District that all employees, students, visitors, and volunteers have a right to work or study in an environment free of discrimination on the basis of sex, sexual orientation, gender identity, or gender expression. The District has a zero-tolerance policy against sexual harassment of its employees or students in any form and states that all employees, as well as students at all grade levels of the District, must avoid offensive or inappropriate sexual or sexually harassing behavior at school, on school grounds, at school functions, and on school transportation and will be held responsible for ensuring that such workplace is free from sexual harassment.

The following describe some of the types of acts that constitute sexual harassment and that are strictly prohibited:

- Physical acts of a sexual nature, such as:
 - Rape, sexual battery, molestation, or attempts to commit these assaults;
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.
- Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

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- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, name-calling.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, whistling or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal or visual conduct of a sexual nature.

Sexual harassment is considered a form of employee misconduct and sanctions will be enforced against individuals engaging in such harassing conduct and against any supervisor or manager who knowingly allows such behavior to continue.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristics protected by law or that of his/her relatives, friends or associates, and that

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- a) has the purpose or effect of creating an intimidating, hostile, or offensive work environment;
- b) has the purpose or effect of unreasonably interfering with an individual's work performance;
- or c) otherwise adversely affects an individual's employment opportunities.

Such conduct is considered misconduct and may result in disciplinary action up to and including dismissal or suspension upon instruction. Employees who are found to have engaged in sexual harassment, and supervisors who knowingly permit such behavior to continue, will be subject to discipline.

Other sexually harassing conduct in the workplace, whether physical or verbal, committed by supervisors or non-supervisory personnel or students is also prohibited. This behavior includes, but is not limited to, commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendos, or displaying sexually suggestive objects, books, magazines, photographs, cartoons, or pictures.

Employees or students who have complaints of sexual harassment by anyone in the school environment, including any supervisors, co-employees, students or visitors, are urged to report such conduct to the Compliance Officer so that the District may investigate and resolve the problem. If the complaint involves the Compliance Officer, or if the person for any reason is uncomfortable in dealing with the Compliance Officer, the employee or student may go to the Superintendent or a person appointed by the Superintendent to handle the complaint.

The District will endeavor to investigate all complaints as expeditiously and as professionally as possible. Where investigations confirm the allegations, appropriate corrective action will be taken.

The District will endeavor to maintain the information provided to it in the complaint and investigation process as confidentially as possible, consistent with the laws of the State and, if applicable, the collective bargaining agreement.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe, to the Compliance Officer.

There will be no retaliation against employees or students for reporting sexual harassment or assisting the District in the investigation of a complaint. Engaging in retaliatory behavior will be a violation of this policy.

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Consistent with the Anti-Discrimination Policy, the procedures for investigating a complaint of sexual harassment are as follows:

Section 1

All complaints or information about suspected sexual harassment will be investigated in a timely manner. The investigation will be confidential, to the extent possible, and all persons involved will be accorded due process to protect their right to a fair and impartial investigation.

The Compliance Officer will investigate the substance of the complaint in a thorough and impartial manner. Alternatively, an outside investigator may be used to conduct the investigation. The Complainant may provide evidence or witnesses to the Compliance Officer as part of the investigation. If a determination is found that sexual harassment occurred, the District will take appropriate steps to prevent further harassment from occurring and to correct the effects of said harassment, if appropriate.

Further, the District prohibits retaliation against any individual filing a complaint under this policy or participating in any resulting investigation. If you believe you are being retaliated against, you should contact the District's Compliance Officer or file a complaint with the United States Office for Civil Rights, NYS Division of Human Rights, or the EEOC. Contact information for each is at the end of this policy.

The District's Compliance Officer is the Director of Special Services.

Section 2

Step (a): The Complainant shall discuss the complaint informally with the Compliance Officer, or may file a written complaint with the Compliance Officer. The Compliance Officer will then investigate the substance of the complaint in a thorough and impartial manner. Alternatively, an outside investigator may be used to investigate the complaint. The Complainant and the Respondent shall receive written notice in advance of any interview or hearing. The Complainant or Respondent may provide evidence or witnesses to the Compliance Officer as part of the investigation. The Compliance Officer will take necessary steps during the investigation to ensure the Complainant's safety. The Compliance Officer will reply to the Complainant and person alleged to be engaged in the harassment in writing within fourteen (14) calendar days of

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the initiation of the complaint. If a determination is found that harassment occurred, the District will take appropriate steps to prevent further harassment from occurring and to correct the effects of said harassment if appropriate. If a determination is found that disciplinary action will be taken against a responding party, written notice will be provided to the Respondent containing the allegations constituting a violation.

Step (b): If either party wishes to appeal the decision of the Compliance Officer, that party may submit a signed statement of appeal to the Superintendent within seven (7) calendar days after receipt of the Compliance Officer's response. The Superintendent shall meet with the Complainant or the Respondent and any representative, and make such other inquiries which the Superintendent deems appropriate. The Superintendent will consider the appeal in an impartial manner. Thereafter, the Superintendent shall set forth a conclusion and respond in writing to the Complainant and Respondent within fourteen (14) calendar days.

Step (c): If the party is not satisfied with the conclusion of the Superintendent, that party may appeal through a signed, written statement to the Board within seven (7) calendar days of receipt of the Superintendent's response in Step (b). In an attempt to resolve the appeal, the Board shall meet with the Complainant or Respondent and any representative within thirty (30) calendar days of receipt of such an appeal. The Board's written disposition of the appeal shall be sent to the appealing party within ten (10) calendar days of this meeting.

Step (d): If the appeal has not been satisfactorily settled at Step (c), employees and students may seek further legal remedies. Specifically, the New York State Human Rights Law protects employees, students, and non-employees from sexual harassment. Complaints may be filed with the Division of Human Rights (DHR) or in New York State Supreme Court. Further, the United States Equal Employment Opportunity Commission enforces federal discrimination laws, including Title VII of the Federal Civil Rights Act. Contact information is provided below.

New York State Division of Human Rights
1 Fordham Plaza, Fourth Floor
Bronx, NY 10458
(888) 392-3644

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United States Equal Employment Opportunity Commission (EEOC)
(800) 669-4000
www.eeoc.gov

U.S. Department of Education
Office of Civil Rights
400 Maryland Avenue SW
Washington DC 20202
(800) 872-5327
www.ed.gov

In addition to the above, local laws, including criminal laws, may also apply.

Title VII of the Civil Rights Act of 1964, 42 USC § 2000e et seq.
Title IX of the Education Amendments of 1972, 20 USC § 1681 et seq.
29 CFR § 1604.11(a)
34 CFR Subtitle B, Chapter I
Civil Service Law § 75-B
Executive Law Article 15
Labor Law § 201-g
Adopted 12/4/18
Amended 5/19/20
Amended 12/1/20

NOTE: Refer also to Policies #3420 – Non-Discrimination and Anti-Harassment in the District
#7551 – Sexual Harassment of Students

FORMAL COMPLAINT OF SEXUAL HARASSMENT

Name of Complainant: _____

Address: _____

Phone number: (____) _____ Email: _____ Grade: _____

Name of Victim: _____

Name of Respondent: _____

Location of Incident/Incidents: _____

Description of the Incident/Incidents: (Attach additional sheets, if necessary)

Witnesses:

I understand that by signing this formal written complaint form, I am making a formal complaint of sexual harassment and, as a result, an investigation and determination of responsibility will occur.

Complainant

Date

Received by: _____
Title IX Coordinator

Date