

### **SEXUAL HARASSMENT OF DISTRICT PERSONNEL AND OFFICERS**

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; and,
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third-party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the District's Designated Complaint Officer\* through a complaint procedure as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the Designated Complaint Officer\* is the alleged offender, the employee should report his complaint to the Administrative Supervisor.

Upon receipt of a complaint, the District will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly and thoroughly.

The Board appoints the principal of each school building in the District as the Designated Complaint Officer for any complaint arising at the building level. The building principal shall investigate each complaint in accordance with the provision of this Policy and, if the complaint is not resolved at the building level, it shall be forwarded to the Assistant Superintendent for Administrative Services for further action consistent with this

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Policy. If a complaint is initiated by any District support service employee it shall be submitted to the Director of the specific support group who shall investigate the complaint in accordance with the provisions of this Policy.

The Board of Education designates the Assistant Superintendent for Administrative Services as the Designated Complaint Officer for any complaint arising from an administrative employee. In the event the complaint is against the Assistant Superintendent for Administrative Services, the Board of Education appoints the Superintendent of Schools as the District's Designated Complaint Officer.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a "need to know" basis.

Based upon the results of the investigation, if the District determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, District policy and regulation, the District Code of Conduct, and the applicable Collective Bargaining Agreement(s). Third parties (such as school volunteers, vendors, etc) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted in compliance with law.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

The Board of Education designates the Superintendent of Schools or a designee to develop an appeal procedure to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable Designated Complaint Officer. Such Administrative Regulations will be provided to each member of the Board of Education.

Such regulations will be developed in accordance with federal and state law as well as any applicable Collective Bargaining Agreement(s).

The Superintendent/Designee(s) will discuss the topic of sexual harassment with all employees, express the District's condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. The training programs will take place periodically as determined by the Superintendent of Schools. The Superintendent of Schools will provide an annual report to the Board of Education on activity related to training of employees with respect to this policy.

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This Policy and regulations and appeal procedures referenced herein will be reviewed by the Board of Education every three years.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

New: March 19, 2008

Reference: Title VII of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.) Section 2000-e et.seq.  
The Civil Rights Act of 1991  
42 United States Code (U.S.C.) Section 1981(a)  
29 Code of Federal Regulations (C.F.R.) Section 1604.11(a)  
Executive Law Sections 296 and 297