

SEXUAL HARASSMENT INVOLVING STUDENTS

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students 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 to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature; and,
- c) Such conduct and/or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit.

The Board acknowledges that in determining whether sexual harassment has occurred, the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited, to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. 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 a third-party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment may occur from student-to-student, from staff-to-student, from student-to-staff, staff to staff, as well as student to third party.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school 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 (Title IX Officer, according to 4101 R.1) through a complaint procedures 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 report will be directed to the Administrative Supervisor.

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Upon receipt of a complaint, the District will conduct a thorough investigation of the charges. 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 and/or student has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken as warranted. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with District policy and regulation, the Code of Conduct and applicable laws and/or regulations. Should the offending individual be a school employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, the 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 and 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.

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

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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 IX of the Education Amendments of 1972
20 United States Code (U.S.C.) Section 1681 et seq.
34 Code of Federal Regulations (C.F.R.), Section 100 et seq.
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