

(X) Required

(X) Local

(X) Notice

SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students and staff on the basis of sex, gender, gender identity, gender expression and/or sexual orientation is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. Harassment of students and staff includes not only conduct which an individual intends to be hostile and/or offensive but may also include conduct which the recipient perceives to be hostile and/or offensive. Sexual harassment consists of any verbal or physical conduct of a sexual nature imposed on the basis of sex by the offender. Sexual harassment is a form of sex discrimination and is a violation of federal law in that it constitutes differential treatment on the basis of sex. Since sexual violence is a form of sexual harassment, the term “sexual harassment” in this policy and its accompanying regulation will implicitly include sexual violence, even if not explicitly stated. Sexual violence means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent.

Sexual harassment may take the form of physical contact or verbal abuse and may be psychological in nature. This may include the telling of obscene or off-color stories or jokes, the use of offensive language of a sexual nature, the raising of topics of a sexual nature with students of one gender or the other or the discussion of sexual matters when not tied to the curriculum course content. Moreover, sexual harassment may originate from a person of either sex and may be directed against persons of the same sex or the opposite sex and from peers as well as employees, board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities. Preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively.

Because sexual harassment can occur staff to student, staff to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student or employee.

The Board shall notify all students and employees of the name, office address and telephone number of the Title IX Compliance Officer.

In order for the Board of Education to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The

School District will promptly investigate all complaints of sexual harassment, formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation.

If, after appropriate investigation, the School District finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, district policy and state law.

All complainants and those who participate in the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind. Any act of retaliation against any person who complains of sexual harassment, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has testified, assisted, or participated in any manner in an investigation, proceeding, or hearing concerning a sexual harassment complaint is prohibited.

The Superintendent is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of sexual harassment and to educate the staff regarding such procedures. Such procedures are to be consistent with any applicable provisions contained in the District's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on sexual harassment. Training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventive measures to help reduce incidents of sexual harassment.

In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment including but not limited to the following:

1. All students and employee shall be informed of this policy in student and employee handbooks and student registration materials. The policy shall be posted on the School District's website and in prominent locations at each school.
2. All new employees shall receive information about the policy and procedures concerning the prohibition against sexual harassment at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and school district's commitment to a harassment-free learning and working environment. Principals, Title IX Officer/Coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive a yearly training on this policy, procedures and related legal developments.

3. Administrators and principals in each school shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the victim.

This policy shall be posted on the School District’s website and in prominent places in each School District facility and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C.
§1681 34 CFR §§106.8; 106.9

Cross Ref: Policy 0115, Student Bullying, Harassment and/or Discrimination
Prevention and Intervention
Policy 5300, Code of Conduct

Note: Policy added February 8, 1995
Amended: June 20, 2012; June 18, 2015, June 14, 2017, June 13, 2018
Reviewed: June 18, 2014; June 17, 2015; May 18, 2016

formerly Policy #5020.1

SEXUAL HARASSMENT OF STUDENTS REGULATION

Sexual harassment may include unwanted sexual behavior, such as touching, verbal comments, sexual name calling, spreading sexual rumors, gestures, jokes, teasing, pictures, leers, sexual advances, requests for sexual favors, overly personal conversation, cornering or blocking student's movement, pulling at clothes, attempted rape, rape, sexual assault, sexual battery, and sexual coercion. Since sexual violence is a form of sexual harassment, the term "sexual harassment" in this regulation will implicitly include sexual violence, even if not explicitly stated.

Reporting Procedures

Any student believing he or she has been subjected to unwanted sexual advances or any other form of sexual harassment should report the alleged misconduct immediately to the building designee so that an investigation can be commenced and appropriate corrective action may be taken at once. Moreover, when such allegations are received designated District personnel, under the direction of the Title IX Compliance Officer, will conduct an investigation into such allegations and will determine whether such conduct constitutes illegal behavior or child abuse. In the event that such allegations constitute illegal behavior or child abuse, it is the policy of the Board to notify such agencies or authorities as required by law.

The Deputy Superintendent will serve as the Title IX Compliance Office for students. The Title IX Compliance Officer will monitor compliance with the Board's policy on sexual harassment. In the elementary school, the building principals will receive reports of sexual harassment. In the secondary schools, principals will designate two members of the administrative unit, one male and one female, to receive reports of sexual harassment. The names of these individuals must be published annually in the student handbooks.

Additionally, the Board shall notify all students and employees of the name, office address and telephone number of the Title IX Compliance Officer.

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. If requested, the victim shall speak with an individual of the same sex. The complainant and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, victims have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

When alleged incidents of sexual harassment occur, the procedure is as follows:

1. The building designees will immediately notify the Title IX Compliance Officer, the building principal, and the parents of the complainant.

2. An investigation of the complaint will be commenced within a reasonable time period following receipt of the initial complaint and will proceed as follows. The building designee will:
 - a. review the complaint and obtain a written statement
 - b. conduct detailed interview of complainant
 - c. request prompt submission of physical evidence, where appropriate
 - d. interview witnesses and obtain written statements assuring confidentiality to the extent possible
 - e. interview alleged harasser, obtain written statement and notify parents of alleged harasser where necessary.
 - f. interview additional witnesses
 - g. promptly prepare and submit a written report to the Title IX Compliance Officer and the building principal.
3. The Compliance Officer will keep a written record of the complaint and the results of the investigation. An investigation may continue even if a student refuses to file a formal complaint.
4. Complainants and alleged harassers of sexual harassment are to be notified of the outcome of the investigation, in writing, within 10 working days following the completion of the investigation.
5. The complainant or alleged harasser or the parent or guardian of the complainant or the alleged harasser may file an appeal to the Superintendent of Schools within 10 days from receipt of the outcome of the investigation.

The Superintendent of Schools shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the School District does not discriminate on the basis of sex in the educational programs or activities which it operates as required by Title IX.

The Board will, in the absence of a victim's complaint, ensure that a prompt investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of sexual harassment and ensure that appropriate steps are taken to resolve the situation.

Confidentiality

It is District Policy to respect the privacy of all parties and witnesses to sexual harassment. To the extent possible, the District will not release details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. If complainant requests confidentiality or asks that the complaint not be pursued, the staff member responsible for investigating complaints should take all reasonable steps to investigate and respond to the complaint consistent with the request for confidentiality or request not to pursue an investigation. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the sexual harassment and does not interfere with its responsibility to provide a safe and nondiscriminatory environment for all students.

All reports of sexual harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in the District's policy manual and collective bargaining agreements.

DISCIPLINARY ACTION

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, District policies and regulations and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension or permanent suspension of a student.

The Title IX Compliance Officer will be responsible for seeing that any disciplinary action for students shall be in accordance with Education Law § 3214 and Board Policy.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the District's policy manual or collective bargaining agreements.

APPEAL

If a complainant or alleged harasser or parent or guardian of a complainant or alleged harasser is dissatisfied with the disposition, he/she may appeal to the Superintendent of Schools within five (5) business days. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the action is being appealed. The Superintendent of Schools will render a decision within ten (10) business days.

If a complainant or alleged harasser or the parent or guardian of a complainant or alleged harasser is dissatisfied with the disposition of the Superintendent of Schools,

he/she may file an appeal to the Board of Education with the District Clerk within ten (10) business days of the date of the Superintendent's decision.

Regulation Adopted: February 8, 1995

Amended: 6/20/2012; 6/18/2013, 5/18/2016, 6/14/17

Reviewed: 6/18/2014; 6/17/ 2015, 6/13/18

SEXUAL HARASSMENT OF EMPLOYEES REGULATION

The Board of Education is committed to the principle of equality in the work place and to safeguarding the rights of all employees of the school district to work in an environment free from all forms of sexual harassment. The Board recognizes that sexual harassment is not only that conduct which an individual intends to be offensive, but also includes that conduct which the recipient perceives to be offensive. Moreover, the Board recognizes that sexual harassment may originate from a person of either sex against a person of the same sex or the opposite sex, and from peers as well as supervisors and subordinates.

Definitions

"Employee" shall mean all teaching, administrative and support personnel.

"Immediate supervisor" shall mean the person to whom the employee is directly responsible (e.g., Department Chairperson, Building Principal).

Procedures

The District shall designate a Title IX Compliance Officer. The Executive Director for Human Resources shall serve as the Title IX Compliance Office for employees. In addition, the District will designate a second individual for ensuring compliance with Title IX in regard to sexual harassment so that staff members who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harasser is the Title IX Compliance Officer. The second individual will be the Deputy Superintendent.

The Superintendent of Schools shall notify all employees of the name, office address and telephone number of both designees. In addition, the District through this regulation has established grievance procedures which provide for prompt investigation and equitable resolution of staff members' sexual harassment complaints. Education and training programs will be established for employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

All reports of sexual harassment will be held in confidence, to the extent possible, subject to all applicable laws and any relevant provisions found in the District's policy manual and collective bargaining agreement.

Consistent with federal and state law, and all applicable provisions contained in the District's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of sexual harassment. Staff members who believe they have been subjected to sexual harassment are to report the incident to the Title IX Compliance officer. The Compliance Officer or designee shall notify the Building Principal and the Superintendent of all complaints. The staff member may pursue his/her complaint informally or file a formal complaint.

Informal Complaints

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor may recommend that further disciplinary action be taken.

Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the supervisor's report whether or not he/she is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The supervisor is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur.

Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint.

If during the supervisor's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior the supervisor is to file a report with the Title IX Compliance Officer. The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by a formal complaint.

Should the alleged harasser deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the Title IX Compliance Officer on what has transpired to date. If the complainant submits a formal complaint, a copy of the complaint should accompany the supervisor's report with a recommendation for further action.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to Title IX Compliance Officer and the supervisor originally consulted. All formal complaints are to be submitted in writing on the form provided for that purpose.

The formal written complaint will consist of any appropriate forms and a copy of any applicable supervisor reports. The appropriate forms solicit the specifics of the complaint, (e.g., date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter).

Investigating a complaint

Upon receipt of a formal or informal complaint, a prompt, thorough and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. Complainants are to be notified of the outcome of the investigation.

Investigation in the absence of a complaint

The Superintendent of Schools will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual harassment, providing that there appears to be potential credibility to the allegation/ information which gave rise to the suspicion.

Remedial action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law and collective bargaining agreements. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment.

Any person who subjects complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's collective bargaining agreements.

If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the Superintendent of Schools. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing. All appeals shall be submitted in writing on the form provided for that purpose.

Post remedial action

Following a finding of sexual harassment, victims will be periodically interview by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. At the discretion of the district, these follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Complaint records

Upon written request, complainants should receive a copy of any resolution reports filed by the supervisor concerning his/her complaint.

Regulation Adopted: 3/9/1995;

Amended: 6/20/2012, 6/17/2015, 5/18/2016, 6/14/17

Annual Review: 6/1814, 6/13/18

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant

Name and Telephone Number of Parent/Guardian

Date(s) of complaint

Name(s) of individuals against whom complaint is being made

Date(s) and place(s) of incident(s)

Description of misconduct: incident(s), behavior(s), statement(s), etc.

Name(s) of witnesses (if any)

Has the incident been reported before? _____

SEXUAL HARASSMENT FORMAL COMPLAINT

FORM If yes, when? to whom?

What was the resolution?

Reason(s) for dissatisfaction

Reported by:

Name (print) _____

Signature _____

Date _____

Below dotted line for school use only:

Disposition

Signature of Title IX Coordinator _

Date

- Copies: 1. Complainant
- 3. Title IX Coordinator
- 4. Superintendent of Schools
- 5. Building Principal

Regulation Adopted: 2/8/95
Amended: June 20, 2012; June 18, 2013

SEXUAL HARASSMENT COMPLAINT APPEAL FORM

Name and position of appellant _____

Name of original complainant _____

Date of appeal _____

Date of original complaint _____

Have there been any prior appeals? _____

If yes, when? _____ to whom? _____

Description of decision being appealed

Why is the decision being appealed?

Reported by: _____

Name (print) _____

Signature _____ Date _____

Regulation Adopted: 2/8/95, Amended: June 17, 2015