

(X) Required
() Local
(X) Notice

SEXUAL HARASSMENT OF EMPLOYEES

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.

The Board, consistent with State and Federal law, therefore, condemns all unwelcome behavior of a sexual nature between employees, whether during or after work hours, which is either designed to extort sexual favors from an employee as a term and condition of continued employment, advancement, preference or promotion, or which has the effect of creating a hostile, intimidating or offensive work environment. The Board recognizes that such conduct may be either physical or verbal, and may be psychological in nature. The Board further condemns behavior which may manifest itself in the creation of an embarrassing or uncomfortable work atmosphere, as in the case of the unwelcome use of obscene language or the telling of obscene or off-color stories or jokes. The Board also opposes any retaliatory action which might be taken against anyone filing a complaint of sexual harassment as well as against anyone who appears as a witness to such a complaint. Confidentiality will be insured to the extent possible.

Any employee believing that he or she has been subjected to unwelcome sexual advances, or any other form of sexual harassment, should report the alleged misconduct immediately to the Title IX Compliance Officer so that the appropriate corrective action may be taken at once. Upon receipt of a claim of sexual harassment, the Title IX Compliance Officer shall conduct a thorough and comprehensive investigation consistent with the procedures established by the Superintendent's regulations adopted pursuant to this policy. In the event there is a finding of sexual harassment the district shall take corrective action which may consist of discipline of the offending employee, up to and including therapeutic remediation, and where appropriate, discharge. If the charges are not substantiated, the individuals involved will still be counseled about the Board's sexual harassment policy. In the event that the Board learns of offensive behavior or misconduct, or has reason to believe such conduct has occurred, the Board will, on its own initiative, ensure that a thorough investigation is conducted by the appropriate individuals.

HEWLETT-WOODMERE PUBLIC SCHOOLS

Policy 9110.2

The Superintendent of Schools is directed to develop and implement specific regulations designed to address the reporting, investigation and remedial action to be taken in the event of complaints of sexual harassment. Such regulations shall also provide for the education and training programs 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. Such regulations must be consistent with any and all procedures contained in the collective bargaining agreements with any of the district's bargaining units, and requirements of law.

Following adoption, this policy and the implementing regulations shall be distributed to and reviewed with all staff members on an annual basis.

References:

Civil Rights Act of 1964, Title VII, 42 U.S.C. § 2000-e(2)
(a) 29 C.F.R § 1604.11
Executive Law §§ 296 and 297

Policy Adopted: March 9,
1995 Amended: June 20, 2012
Annual Review: June 18, 2014, June 17, 2015, May 18, 2016

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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 students and 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 students and 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
Annual Review: June 18, 2014,

Sexual Harassment Formal Complaint Form

Name and position of appellant: _____

Original complainant: _____

Date(s) of complaint: _____

Name(s) of individual(s) against whom complaint is being made:

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

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

Name(s) of witnesses (if any):

Has the incident(s) been reported before?

If yes, when? to whom?

What was the resolution?

Reason(s) for dissatisfaction

Reported by:

Name(print) _____

Signature _____ Date _____

Regulation Adopted: 2/8/95; Amended: 6/20/12, 6/17/15

HEWLETT-WOODMERE PUBLIC SCHOOLS 9110.2
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? _____

Description of decision being appealed

Why is the decision being appealed?

Reported by:

Name(print) _____

Signature _____ Date _____

Regulation Adopted: 2/8/95; Amended 6/20/12, 6/17/15