

## **9110.2 SEXUAL HARASSMENT AND GENDER DISCRIMINATION IN EMPLOYMENT**

The Board of Education is committed to safeguarding the right of all employees within the district to work in an environment that is free from all forms of gender discrimination and/or sexual harassment. Therefore, the Board, consistent with State and Federal law, condemns all gender discrimination and unwelcome and/or unwarranted behavior of a sexual nature which may impose a requirement of sexual cooperation as a term or condition of employment or which has the purpose or effect of creating an intimidating, hostile or offensive working environment. Under no circumstance shall officers, supervisory personnel, employees and agents improperly discriminate on the basis of gender and/or sexually harass any person in the workplace at any time while in the employ of the District or at school-related functions, whether or not occurring on district premises.

Gender discrimination is defined as: pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the work place because of his or her gender. -

Generally, sexual harassment is defined as unwelcome and/or unwarranted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment status.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creates an intimidating, hostile or offensive working environment.
4. Conditions exist within the school environment that allow or foster harassing activities of a sexual nature, including but not limited to obscene pictures, lewd jokes, sexual comments and innuendo, sexual advances and/or unwanted physical contact.

The Board recognizes that gender discrimination and/or sexual harassment can originate from a person of either sex against a person of the opposite or same sex, from peers and from supervisors.

### **9110.2**

The Board acknowledges that in determining whether gender discrimination or sexual harassment has occurred, the perspective of the complaint and/or victim shall be considered. While the accuser's conduct and/or intention may be considered, sexual harassment may be found even when the accused had no intent to sexually harass another individual.

#### Complaint Procedure

Any employee who believes that he/she has been subjected to gender discrimination or sexual

harassment or any person who believes that he/she has witnessed an incident(s) of gender discrimination or sexual harassment shall report all incidents of such conduct to the Building Principal, the Superintendent of Schools or the District's designated Title IX/Title VII Complaint Officer(s) through informal and/or formal complaint procedures developed by the district. Upon receipt of such complaint, the Building Principal or Superintendent of Schools shall promptly report the complaint to the Title IX/Title VII Officer(s), who shall make a determination as to who will investigate the complaint.

All complaints of gender discrimination and/or sexual harassment will be held in confidence to the extent practicable to enable the district to conduct a thorough investigation and as permitted by law. While the district respects the privacy and anonymity of all parties and witnesses to complaints brought under this policy, it cannot guarantee absolute confidentiality. At the conclusion of the investigation and at such time when the written report is issued and become a final agency determination (30 days after the issuance of the report if no appeal is made or after the issuance of the appeal determination), the report may become public.

If the district has knowledge of or reason to know of the occurrence of any alleged gender discrimination and/or sexual harassment, the district shall, even in the absence of a complaint, cause a prompt and thorough investigation of any such incident to be made.

Upon receipt of any complaint of gender discrimination and/or sexual harassment, the Complaint Officer(s) or designated investigator shall conduct a thorough, prompt and impartial investigation of the charges within 30 calendar days of receipt of the complaint. All complaints of sexual harassment shall be taken seriously and an investigation shall be conducted to the extent possible. The investigator shall prepare a written report of the investigation. The report shall be filed in the employee's personnel file. The outcome of the investigation of a sexual harassment complaint shall be related to the complainant and to the accused.

## 9110.2

When a complaint involves allegations which constitute or may constitute criminal behavior, the case will be referred directly to the District's Complaint Officer(s) for prompt, thorough and impartial investigation. In addition, the police authorities or the District Attorney's office shall be immediately notified.

If the results of the district's investigation indicated that sexual harassment or other inappropriate behavior has occurred, immediate and appropriate corrective action will be taken. It is the policy of the district to appropriately discipline supervisory employees and other personnel on a case by case basis when a determination is made that sexual harassment has occurred, which may range from a counseling letter in a minor case, up to and including termination from employment, in accordance with law and any applicable collectively negotiated agreement. Follow-up inquiries shall be made to ensure that harassment has not continued or resumed.

If the complainant or the accused is not satisfied with the results of the investigation, an appeal of the findings may be made to the Board of Education within 30 calendar days of receipt of the investigation report, for its review and action. Such review shall occur promptly, within 30 calendar days of the appeal.

The Board prohibits any retaliatory behavior directed against a complainant for the good faith reporting of an incident pursuant to this policy, as well as against any witness who testifies in a sexual harassment and/or gender discrimination investigation. Follow-up inquiries by the Title IX/Title VII complaint Officer(s) shall be made to ensure that the complainant and/or witnesses have not suffered retaliation.

The district shall provide appropriate training to supervisory and other staff regarding awareness of and sensitivity to issues involving gender discrimination and/or sexual harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of sexual harassment and gender discrimination.

The Superintendent of Schools is directed to develop and implement specific procedures for reporting, investigation and resolving sexual harassment and/or gender discrimination complaints by employees.

A copy of this policy and its accompanying regulations shall be distributed to all personnel annually, as well as new hires, and posted in appropriate places in the district.

## 9110.2

The District encourages employees to report allegations of gender discrimination and/or sexual harassment pursuant to this policy and regulations so that they can be addressed by the district. Employees have the legal right to make a complaint to the appropriate governmental entities which include the following:

Equal Opportunity Commission (EEOC) at the New York District Office, 90 Church Street, New York, NY; or the New York State Division of Human Rights at 30 Glen Street, White Plains, NY 10601 and the New York State Division of Human Rights.

Ref:

Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§2000d et seq.

Title IX, Education Amendments of 1972, 20 USC §1681

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