

Students

SUBJECT: SEXUAL HARASSMENT (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 sexually harassing behavior is a condition for the successful completion of any course of study or educational and extracurricular activity, including the acceptance into or rejection from such course or activity;
- 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;
- c) Such conduct has the purpose or effect of 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.

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, as well as staff-to-staff.

Any student who believes that he/she has been subjected to 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 shall report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. In the event that the complaint officer is the offender, the complainant shall report his/her complaint to the next level of supervisory authority.

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Upon receipt of an informal/formal 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 District's investigation, if the District determines that an employee and/or student has violated the terms of this policy immediate corrective action will be taken as warranted. 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 contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension. 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.

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s).

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) shall affirmatively discuss the topic of sexual harassment with all employees and students, express the District's condemnation of such conduct and explain the sanctions for such harassment.

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

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SUBJECT: SEXUAL HARASSMENT (STUDENTS) (Cont'd.)

Title IX of the Education Amendments of 1972,
20 United States Code (U.S.C.) Section 1681 et
seq.

Title VII of the Civil Rights Act of 1964,
42 United States Code (U.S.C.) Section 2000e 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

Adopted: 1/24/00