



Book	Board Policy Book
Section	4000 - Non-Instructional/Business Operations
Title	Sexual-Harassment Policy
Code	4550
Status	Active
Adopted	December 19, 2018

It is the policy of the District that all employees and students have a right to work or study in an environment free of discrimination on the basis of sex, sexual orientation, or gender identity which encompasses freedom from sexual harassment. The District has a zero tolerance policy against sexual harassment of its employees or students in any form, and states that all employees as well as students at all grade levels of the District must avoid offensive or inappropriate sexual or sexually harassing behavior at school, on school grounds, at school functions, and on school transportation and will be held responsible for ensuring that such workplace is free from sexual harassment.

Specifically, BOCES prohibits:

- Unwelcome sexual advances;
- Requests for sexual favors, whether or not accompanied by promises or threats with regard to the student-teacher, student-student, or employment relationship;
- Other verbal or physical conduct of a sexual nature made to any employee or student that may threaten or insinuate either explicitly or implicitly that any person's submission to or rejection of sexual advances will in any way influence any decision regarding that person's employment, evaluation, wages, advancement, assigned duties, shifts, academic performance, or any other condition of employment, academic or career development;
- Any verbal or physical conduct of a sexual nature, that has the purpose or effect of substantially interfering with a person's ability to perform the individual's duties;
- Any verbal or physical conduct of a sexual nature, that has the purpose or effect of creating an intimidating, hostile, or offensive working or academic environment;
- Any verbal or physical conduct regarding gender or sexual orientation that has the purpose of creating a hostile or offensive working or academic environment.

Such conduct may result in disciplinary action up to and including dismissal or suspension upon instruction.

Employees who are found to have engaged in sexual harassment, and supervisors who knowingly permit such behavior to continue, will be subject to discipline.

Other sexually harassing conduct in the workplace, whether physical or verbal, committed by supervisors or non-supervisory personnel or students is also prohibited. This behavior includes but is not limited to, commentary about an individual's body, sexually degrading words to describe an individual, offensive comments, off-color language or jokes, innuendos, or displaying sexually suggestive objects, books, magazines, photographs, cartoons, or pictures.

Employees or students who have complaints of sexual harassment by anyone in the school environment, including any supervisors, co-employees, students, or visitors, are urged to report such conduct to the compliance officer so the district may investigate and resolve the problem. If the complaint involves the compliance officer, or if the person for any reason is uncomfortable in dealing with the compliance officer, the employee or student may go to the superintendent or a person appointed by the superintendent to handle the complaint.

BOCES will endeavor to investigate all complaints as quickly and as professionally as possible. Where investigations confirm the allegations, appropriate corrective action will be taken.

BOCES will endeavor to maintain the information provided to it in the complaint and investigation process as confidentially as possible, consistent with the laws of the State and, if applicable, the collective bargaining agreements.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to the Compliance Officer.

There will be no retaliation against employees or students for reporting sexual harassment or assisting BOCES in the investigation of a complaint.

Consistent with the Anti-Discrimination Policy #4555) the procedures for investigating a complaint of sexual harassment are as follows:

Section 1

All complaints or information about suspected sexual harassment will be investigated in a timely manner. The investigation will be confidential to the extent possible, and all persons involved will be accorded due process to protect their right to a fair and impartial investigation.

The Compliance Officer will investigate the substance of the complaint in a thorough and impartial manner. The Complainant may provide evidence or witnesses to the Compliance Officer as part of the investigation. If a determination is found that sexual harassment occurred, the District will take appropriate steps to prevent further harassment from occurring and to correct the effects of said harassment if appropriate.

Further, the District prohibits retaliation against any individual filing a complaint under this policy or participating in any resulting investigation. If you believe you are being retaliated against, you should contact the District's Compliance Officer or the United States Office for Civil Rights as noted above.

The District's Compliance Officer is designated at the reorganization meeting in July.

Section 2

Step (a):

The Complainant shall discuss the complaint informally with the Compliance Officer, or may file a written complaint with the Compliance Officer. The Compliance Officer will then investigate in an impartial and thorough manner the substance of the complaint in a thorough and impartial manner. The Complainant and the Respondent shall receive written notice in advance of any interview or hearing. The Complainant or Respondent may provide evidence or witnesses to the Compliance Officer as part of the investigation. The Compliance Officer will take necessary steps during the investigation to ensure the Complainant's safety. The Compliance Officer will reply to the Complainant and person alleged to be engaged in the harassment in writing within seven business days of the initiation of the complaint.

If a determination is found that harassment occurred, the District will take appropriate steps to prevent further harassment from occurring and to correct the effects of said harassment if appropriate. If a determination is found that disciplinary action will be taken against a responding party, written notice will be provided to the Respondent containing the allegations constituting a violation.

Step (b):

If either party wishes to appeal the decision of the Compliance Officer, that party may submit a signed statement of appeal to the Superintendent within seven business days after receipt of the Compliance Officer's response. The Superintendent shall meet with the Complainant or the respondent and any representative, and make such other inquiries which the Superintendent deems appropriate. The Superintendent will consider the appeal in an impartial manner. Thereafter, the Superintendent shall set forth a conclusion and respond in writing to the Complainant and Respondent within 14 business days.

Step (c):

If the party is not satisfied with the conclusion of the Superintendent, that party may appeal through a signed, written statement to the Board within seven business days of receipt of the Superintendent's response in Step (b). In an attempt to resolve the appeal, the Board shall meet with the Complainant or Respondent and any representative within 30 calendar days of receipt of such an appeal. The Board's written disposition of the appeal shall be sent to the appealing party within ten business days of this meeting.

Step (d):

If the appeal has not been satisfactorily settled at Step (c), employees and students may seek further legal remedies. Specifically, the New York State Human Rights Law protects employees, students, and non-employees from sexual harassment. Complaints may be filed with the Division of Human Rights or in New York State Supreme Court. Further, the United States Equal Employment Opportunity Commission enforces federal discrimination laws, including Title VII of the Federal Civil Rights Act. Contact information is provided below.

New York State Division of Human Rights
1 Fordham Plaza, Fourth Floor
Bronx, NY 10458
(888) 392-3644

United States Equal Employment Opportunity Commission (EEOC)
1-800-669-4000
www.eeoc.gov

In addition to the above, local laws, including criminal laws, may also apply.

Last Modified by Michelle Tirrell on January 2, 2019