

The Board of Education recognizes that harassment of students, staff and certain “non-employees” (which includes contractors, subcontractors, vendors, consultants and other persons providing services pursuant to a contract, or their employees) 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. The Board of Education further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and “non-employees” can work productively.

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board of Education condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the School District. Since sexual violence, dating violence, and stalking are forms of sexual harassment, the term “sexual harassment” in this policy will implicitly include sexual violence, dating violence, and stalking even if not explicitly stated, or outside the school setting if the harassment impacts the individual’s education or employment in a way that violates their legal rights.

Sexual Harassment Defined

"Sexual harassment" includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct and/or other verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex, sexual orientation, gender identity/expression, and/or transgender status when:

1. An employee conditions the provision of an aid, benefit, or service of the school on an individual’s participation in unwelcome sexual conduct (e.g., “quid pro quo” harassment); or
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity; or
3. “Sexual assault,” “dating violence,” “domestic violence,” or “stalking.”

“Sexual assault” means physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent. A person may be incapable of giving consent due to age, drug or

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alcohol use, or an intellectual or other disability. Sexual violence includes, but is not limited to, acts such as rape, sexual assault, sexual battery and sexual coercion. All such acts of sexual violence are forms of sexual harassment.

“Dating violence” mean violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

“Domestic violence” includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

“Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress. Because sexual harassment can occur staff to student, staff to staff, student to student, student to staff, or between individuals of any gender identification, it shall be a violation of this policy for any student, employee or third party (school visitor, vendor, etc.) to sexually harass any student, employee or “non-employee.”

Under various state and federal laws, students, employees and “non-employees” have legal protections against sexual harassment in the school environment as described above. The School District’s Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders. Where alleged sexual harassment involves discrimination, harassment, and/or bullying as defined by the Dignity of All Students Act (DASA) and the District’s DASA policy (0115), the appropriate guidelines set forth therein shall also apply.

Prohibited Conduct

School-related conduct that the School District considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law etc;

2. unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.;
3. unwelcome and offensive public sexual displays of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages etc.;
4. any unwelcome communication that is sexually suggestive, sexually degrading or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference etc.;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "nuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions etc.;
9. clothing with sexually obscene or sexually explicit slogans or messages etc.;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes etc.;
11. unwelcome written or pictorial display or distribution of pornographic such as magazines, videos, films, Internet material, etc.;
12. any other unwelcome gender-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes etc.

For purposes of this policy, action or conduct shall be considered "unwelcome" if the student or employee did not request or invite it and regarded the conduct as undesirable or offensive.

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of

sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of a student to participate in or benefit from his or her education or altered the conditions of a student's learning environment or altered the conditions of an employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school;
8. incidents of gender-based, but non-sexual harassment; and
9. any other matters considered relevant.

Reporting Complaints

In order for the School District to effectively enforce this policy and to take prompt corrective measures, it is essential that all victims of sexual harassment and any person, including a parent or guardian of a student victim, with knowledge of sexual harassment report the harassment immediately. Such harassment may be reported in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address, listed for the Title IX Coordinator. 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.

The Board of Education will designate a Title IX Coordinator who is authorized to coordinate the School District's efforts and compliance with its Title IX responsibilities. The School District will also designate, at a minimum, two (2) Compliance Officers, one (1) male and (1) female.

Victims of sexual harassment are urged to come forward and to make reports of such sexual harassment to the Title IX Coordinator without fear of retaliation or intimidation. Due to the sensitive and serious nature of these complaints, investigations or allegations of sexual harassment will be conducted with due regard for confidentiality. It is the School District's policy to respect the privacy of all parties and witnesses to complaints of sexual harassment.

In order to assist investigators, victims should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the victim's response to the harassment.

When the Title IX Coordinator receives a verbal or written report of sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures as defined below (with or without the filing of a formal complaint), consider his or her wishes with respect to supportive measures, and explain the process for filing a formal complaint. If the complainant files a formal complaint then the below grievance procedures will be followed promptly.

Grievance Procedure

A. Generally

Both the victim and the alleged harasser will be treated equally during the grievance process. The alleged harasser is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. In determining responsibility, the School District will use a clear and convincing evidence standard.

B. Initial Procedure

When a formal complaint of sexual harassment is filed, the Title IX Coordinator shall conduct a preliminary review to ensure no conflicts of interest or bias for or against either party exists. The Title IX Coordinator will provide written notice to all known parties. . Except in the case of severe or criminal conduct, the Compliance Officer or second designee should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint.

As soon as possible, but no later than three (3) school days following receipt of a formal complaint, the Compliance Officer or second designee should begin an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Request the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Offer supportive measures. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.

2. Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, instruct the victim to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Also, inform the harasser that he/she is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the investigation process. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing. Offer supportive measures.
4. Instruct the alleged harasser to not retaliate against the victim. Warn the alleged harasser that if he/she makes retaliates against the victim, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing him or her of the School District's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
8. Parent/Student/Employee Involvement and Notification
 - a. Parents of student victims and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. All known parties involved in the alleged harassment, including the alleged harasser, shall be notified of the allegation in the complaint.
 - c. Written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings will be provided to a party whose participation is invited or expected, with sufficient time for the party to prepare to participate.
 - d. If either the victim or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with

Disabilities Act accommodations, the Committee on Special Education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.

- e. The Compliance Officer or second designee (i.e., the investigator) shall submit a copy of all investigation and interview documentation directly related to the allegations raised in the formal complaint to each party, and each party's advisor (if applicable). The parties will have ten (10) days to submit a written response to the Compliance Officer or second designee, which will be considered before completion of the investigative report.
- f. The Compliance Officer will send his/her written investigative report to each party and the party's advisor (if applicable), for their review and written responses, ten (10) days before a determination of responsibility is made.
- e. Upon receipt of the investigative report, each party will have three (3) days to submit written, relevant questions that the party wants asked of any party or witness, to the Building Principal. The Building Principal will provide each party with the answers and allow for limited additional follow-up questions from each party before reaching a determination regarding responsibility.

A determination of responsibility shall be made in writing by the central office administrator responsible for human resources (or the first level appeals officer if the central office administrator responsible for human resources is the subject of the complaint) by using the clear and convincing evidence standard to determine whether the alleged harasser is responsible for the alleged conduct. The same standard of evidence shall be used throughout the complaint process. Such written determination will be provided to all parties simultaneously. Furthermore, such determination becomes final on either (1) the date that the parties are provided with the written determination of the result of the appeal, or (2) if no appeal is filed, the date on which an appeal would no longer be considered timely.

If a complaint received by the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent of Schools. In addition, where the Title IX Coordinator, Compliance Officer or second designee has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent of Schools, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a School District employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Either party has thirty (30) school days to appeal the central office administrator's determination of responsibility, or the dismissal of a formal complaint or any allegation therein on one of the following bases: (1) there was a procedural irregularity that affected the outcome of the matter; (2) new evidence that was not reasonably available at the time the determination of responsibility or dismissal was made, that could affect the outcome of the matter; and (3) the Title IX Coordinator, Compliance Officer or second designee, or Building Principal had a conflict of interest or bias against the party which affected the outcome.

B. Appeal Procedure

Written notification of the appeal will be provided to both parties. And both parties will be given an opportunity to submit a written statement in support of, or challenging, the outcome of the determination of responsibility.

The Deputy Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by the Title IX Coordinator or the central officer administrator for human resources. In the event the complaint of sexual harassment involves the Deputy Superintendent or Superintendent of Schools, the complaint shall be filed with or referred to the Board of Education President, who shall refer the complaint to a trained investigator not employed by the School District for investigation.

The appeal level investigation should begin as soon as possible but not later than three (3) school days following receipt of the complaint by the Deputy Superintendent or Board of Education President.

In conducting the formal appeal level investigation, the School District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints. The School District will also ensure that all individuals designated as a Title IX Coordinator, Compliance Officer, investigator, decision-maker, and any person facilitating the informal resolution process has received training regarding the definition of sexual harassment and how to conduct an investigation and grievance process.

If a School District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, School District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint. 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, School District policy and state law.

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No later than thirty (30) school days following receipt of the complaint and/or appeal, the Superintendent of Schools (or in cases involving the Deputy Superintendent or Superintendent of Schools, the Board of Education-appointed investigator) will notify the victim and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent of Schools or Board of Education-appointed investigator will provide all parties with a written status report within thirty (30) school days following receipt of the complaint.

The victim 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.

Employee victims also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

The School District may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have twenty-one (21) calendar days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven (7) calendar days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

Confidentiality

It is the School District's policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the School District will not release the 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. However, because an individual's need for confidentiality must be balanced with the School District's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the School District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

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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 School District's ability to respond to his/her complaint;
2. School District policy and federal law prohibit retaliation against complainants and witnesses;
3. the School District will attempt to prevent any retaliation; and
4. the School 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 School District from responding effectively to the harassment and preventing the harassment of other students or employees.

Corrective Action

If, after appropriate investigation, the School District finds that a student, an employee, "non-employee" or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, School District policy and State law or Federal law. Individual nondisclosure agreements may only be used as permitted by law. Mandatory arbitration clauses concerning sexual harassment claims are prohibited in all School District contracts and agreements.

Retaliation Prohibited

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. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, posts on social media platforms, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Complaints of retaliation may be directed to the Title IX Coordinator. In the event the Title IX Coordinator is the alleged offender, the report will be directed to a Compliance Officer, or to the Superintendent of Schools.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that none of the individuals involved in the investigation of sexual harassment have suffered any retaliation.

Legal Protections and External Remedies

As stated above, sexual harassment is not only prohibited by the School District but is also prohibited by state, federal, and, where applicable, local law. Complainants are advised that the School District's internal investigatory procedures do not toll the time within which claims are required to be filed pursuant to federal, state or local law.

State Human Rights Law (HRL)

The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints with DHR may be filed any time **within one year** of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, **within three years** of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court. Complaining internally to the School District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Title IX

Title IX of the Education Amendments of 1972. Title IX protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

The U.S. Department of Education’s Office for Civil Rights (OCR) is responsible for the enforcement of Title IX. OCR evaluates, investigates, and resolves complaints alleging sex discrimination. OCR also conducts proactive investigations, called compliance reviews, to examine potential systemic violations based on sources of information other than complaints.

For assistance related to Title IX or other civil rights laws, please contact OCR at OCR@ed.gov or 800-421-3481, TDD 800-877-8339.

Dignity for All Students Act

The Dignity for All Students Act (DASA), codified as N.Y. Education Law, Art. 2, § 10 et seq., protects all students from harassment, bullying and discrimination while on school grounds and during school activities based on numerous protected classes, including, but not limited to sexual orientation, gender (including gender identity and expression), and sex. A complaint alleging a

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violation of DASA may be made to one of the School District's Dignity Act Coordinators and/or any staff member in accordance with the School District's policy.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Supportive Measures

Both complainants and respondents of sexual harassment will have access to a range of supportive measures available to them, including but not limited to: counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Sexual harassment by employees is considered employee misconduct. Disciplinary measures available to school authorities include, but are not limited to the following:

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|--------------------|--|
| <u>Students:</u> | Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law. |
| <u>Employees:</u> | Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights. Discipline may also be imposed upon management and administrators who knowingly allow prohibited behavior to continue. |
| <u>Volunteers:</u> | Penalties may range from a warning up to and including loss of volunteer assignment. |
| <u>Vendors:</u> | Penalties may range from a warning up to and including loss of School District business. |

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Post Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. In 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. In recognition of the trauma experienced by victims of sexual harassment, the victims will be referred to an appropriate local counseling service or the Employee Assistant Program.

Complaint Records

Upon written request, complainants should receive a copy of any resolution reports filed by the supervisor/compliance officer concerning his/her complaint. Upon substantiation, copies should also be filed with the employment records of both the complainant and the alleged harasser.

Training

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 employees shall be informed of this policy in student and employee handbooks and student registration materials. A poster summarizing the policy shall be posted in a prominent location at each school and on the School District's website. All secondary student body officers shall receive district training about the policy at the beginning of each school year.
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. Program directors 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.

Age appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

Annual employee training programs shall include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; and (iv) information concerning employees' right to make complaints and all available forums for investigating complaints.

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

Cross Ref: Policy 0100 Equal Opportunity
Policy 0115 Dignity for All Students
Policy 5300 Code of Conduct

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

Adoption date: September 14, 2020

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**SYOSSET CENTRAL SCHOOL DISTRICT
Syosset, New York**

**SEXUAL HARASSMENT
FORMAL COMPLAINT FORM**

Name and position of complainant _____

Date of complaint _____

Name of alleged sexual harasser _____

Date of incident _____

Place of incident _____

Description of misconduct _____

Name of witnesses (if any) _____

Has the incident been reported before? _____

If yes: When? _____

To Whom? _____

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What was the resolution? _____

Reasons for dissatisfaction _____

Supervisor/Compliance Officer Signature

Date

Complainant Signature

Date

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Regulation 0110-R2

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Syosset, New York**

**SEXUAL HARASSMENT
FORMAL APPEAL FORM**

Name and position of complainant _____

Date of appeal _____

Date of original complaint _____

Name of alleged sexual harasser _____

Have there been any prior appeals? _____

If yes: When: _____

To Whom: _____

Description of decision being appealed _____

SYOSSET CENTRAL SCHOOL DISTRICT

SEXUAL HARASSMENT

Regulation 0110-R2

Why is the decision being appealed? _____

Supervisor/Compliance Officer Signature

Date

Complainant Signature

Date