

**BABYLON UNION FREE SCHOOL DISTRICT
50 RAILROAD AVENUE, BABYLON, NY 11702**

**BABYLON SCHOOL BOARD WORK/STUDY MEETING
AGENDA
OCTOBER 24, 2022**

The Babylon Board of Education and Administration welcomes your attendance at Board of Education meetings. Board meetings, including public comment periods, are meetings of the board in public, not meetings of the public. It is critical that boards be able to conduct their business without disruption. While public comments are not required by law, the Board of Education recognizes the value of community participation. As such, public comment affords community members the opportunity to address the Board of Education on matters under consideration. The procedure for public participation during the public portion of the meeting designated for this purpose is as follows:

- Those who address the Board must do so from the podium only and must state their name. The Board President will indicate when comments are permitted and will maintain order for each speaker.
- Speakers will have three minutes to comment. As the three-minute mark approaches, speakers will be prompted to finish their thought.
- All attendees will be respectful while a speaker is addressing the Board. All comments are to be directed only to the Board.
- The Board will not permit "polling" of Board members by speakers.
- After speakers have had an opportunity to do so, the Board of Education and/or Administration will do their best to provide responses to questions or comments.
- Public discussion on matters relating to staff and students, at which their reputation, privacy, or rights to due process, or those of others could in some way be violated, is prohibited. Additionally, neither the Board nor Administration will discuss questions from the public regarding collective bargaining negotiations or legal matters. Please share personnel compliments or concerns with the Board in writing. You may deliver your statement to our district clerk and/or email your statement to members of the school board at boe@babylonufsd.com
- All in attendance at the Board of Education Public Meeting must conduct themselves in a respectful manner. Personal attacks on individual board members, administrators, staff, or any other person will not be tolerated and may be cause to adjourn the meeting.

Thank you for your cooperation.

I. Call to Order - 6:30 p.m.

II. Executive Session

It is anticipated that upon a majority vote of the total membership of the Board, a motion to meet in Executive Session to discuss specific collective bargaining, personnel issues, and/or other specific matters appropriate for executive session in accordance with the Open Meeting Law will be considered. Following executive session, the Board will reconvene at approximately 7:30 p.m.

III. Pledge of Allegiance - 7:30 p.m.

IV. Board of Education Recognition

V. Approval of Minutes of the Regular Meeting of October 3, 2022.

VI. Superintendent's Report

a. News & Updates around the District

VII. Questions/Comments from Visitors – Please stand and state your name.

VIII. New Business

- 1. RESCIND PROBATIONARY .5 FTE SCHOOL PSYCHOLOGIST APPOINTMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education rescinds the appointment of Karen Pinto, PsyD, as a .5 Probationary School Psychologist, effective after approval to September 1, 2026*. Ms. Pinto has a Psy.D., in School-Clinical Child Psychology, M.S.Ed., in School Psychology and B.A. in Psychology. Compensation for this assignment to be .5 Step 1/MA75+Ph.D. (\$43,681) Prorated.
- 2. .5 FTE SCHOOL PSYCHOLOGIST APPOINTMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the appointment of Karen Pinto, PsyD., as a .5 FTE School Psychologist, effective October 24, 2022 through June 30, 2023. Ms. Pinto has a Psy.D., in School-Clinical Child Psychology, M.S.Ed., in School Psychology and B.A. in Psychology. Compensation for this assignment to be .5 Step 1/MA75+Ph.D. (\$43,681) Prorated.

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3. **.5 FTE SPEECH TEACHER APPOINTMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the appointment of Britney C. Penna, as a .5 FTE Speech Teacher, effective October 31, 2022 through June 30, 2023. Ms. Penna has a M.S. in Speech Language Pathology and a B.A. in Psychology, Education, and Italian Minor. Compensation for this assignment to be .5 Step 1/MA. (\$32,046) Prorated.
4. **PER DIEM SUBSTITUTE TEACHER APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the appointment of the following per diem substitute teachers for the 2022-2023 school year. Compensation for these assignments to be at the substitute teacher per diem rate of pay scale: Days: 1-30 \$110.00; Days: 31-60 \$120.00; Days: 61-90 \$130.00; Over 91 days: \$140.00.

Elementary School

Patrick Roche Zeynep Memis Tiffany Karalis (pending fingerprint approval)

5. **PART-TIME SECURITY GUARD APPOINTMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the appointment of Jason Safuto as a part-time security guard effective October 25, 2022 to June 30, 2023. Compensation for this position to be at the security guard hourly rate of pay of \$19.00/hour.
6. **PER DIEM SUBSTITUTE SPECIAL EDUCATION TEACHER APPOINTMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the appointment of Barbara Wild, M.Ed. as a per diem substitute teacher, effective October 26, 2022 through January 27, 2023. During this period of service, the District will pay Ms. Wild at the rate of \$170.00 per day.
7. **PART-TIME MONITOR APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the following part-time monitor appointment from September 1, 2022 to June 30, 2023. Compensation for these positions to be in accordance with the 2022-2023 Aides and Monitors Association contract. (Step 1-\$17.32, Step 2-\$17.63, Step 3-\$18.00)

Elementary School

Julieann Romas

8. **CHILDCARE LEAVE: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the eight (8) week childcare leave of Lauren Bianco, High School Special Education Teacher, effective September 22, 2022 through November 28, 2022, with congratulations on the birth of her daughter. In addition, upon the recommendation of the Superintendent of Schools, the Board of Education approves the **UNPAID CHILDCARE LEAVE OF ABSENCE** of Lauren Bianco from November 29, 2022 through January 27, 2023.
9. **MEMORANDUM OF AGREEMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education hereby approves a Memorandum of Agreement between the Board of Education and the Babylon UFSD Clerical/Nursing/Network & Systems Technicians Association, CSEA Inc., Local 1000, AFSCME, AFL-CIO, expiring June 30, 2022, which shall remain in full force and effect, as more fully discussed in executive session, and hereby authorizes the President of the Board of Education to execute a contract setting forth such terms on behalf of the Board.
10. **MUNICIPAL COOPERATION RESOLUTION: WHEREAS**, New York General Municipal Law, Article 5-G, Section 119-o (Section 119-o) empowers municipal corporations [defined in Article 5-G, Section 119-n to include school districts, boards of cooperative educational services, counties, cities, towns and villages, and districts] to enter into, amend, cancel, and terminate agreements for the performance among themselves (or one for the other) of their respective functions, powers, and duties on a cooperative or contract basis;

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WHEREAS the Babylon Union Free School District wishes to invest portions of its available investment funds in cooperation with other corporations and/or districts pursuant to the NYCLASS Municipal Cooperation Agreement Amended and Restated as of March 28, 2019;

WHEREAS the Babylon Union Free School District wishes to satisfy the safety and liquidity needs of their funds;

NOW, THEREFORE, it is hereby resolved as follows: That Deirdre Lunetta, Assistant Superintendent for Business of Babylon Union Free School District, is hereby authorized to participate in the NYCLASS program under the terms of the NYCLASS Municipal Cooperation Agreement Amended and restated as of March 28, 2019.

11. **FIRST READING OF POLICY 0110.1/0110.1R – SEXUAL HARRASSMENT/REGULATION: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education conducts a first reading of Policy 0110.1/0110.1R-Sexual Harassment and Sexual Harassment Regulation; and **BE IT FURTHER RESOLVED**, that the Board of Education waives the formal first reading of policy 0110.1/0110.1R-Sexual Harassment and Sexual Harassment Regulation, as attached.
 12. **DISTRICT COMPREHENSIVE IMPROVEMENT PLAN: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the District Comprehensive Improvement Plan (DCIP Plan) for the 2022-2023 school year.
 13. **SPECIAL EDUCATION SERVICES CONTRACT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the agreement between the Board of Education of the Babylon Union Free School District and Brookville Center for Children’s Services, Inc., private placement school program, for the 2022-2023 school year.
 14. **SPECIAL EDUCATION CONTRACT FOR RECEIPT OF FEDERAL PART B FLOW-THROUGH ALLOCATIONS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the Receipt of Federal Part B Flow-Through allocations for the 2022-2023 school year between the Board of Education of the Babylon Union Free School District and County of Suffolk acting through its duly constituted Suffolk County Department of Health Services, effective October 17, 2022.
 15. **COMMITTEE ON SPECIAL EDUCATION AND COMMITTEE ON PRESCHOOL SPECIAL EDUCATION: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the recommendations from the Committee on Special Education and the Committee on Preschool Special Education for cases dated September 16, 2022 through October 17, 2022.
- IX. Work/Study Business:
1. K12 Insight Presentation – Results of the School Quality Survey (Administered 12/21)
- X. Future Board Meetings:
- | | |
|------------------------------|-------------------------|
| BOE Regular Business Meeting | BOE Work/Study Meeting |
| November 14, 2022 | November 28, 2022 |
| BHS Library – 7:30 p.m. | BHS Library – 7:30 p.m. |
- XI. Adjournment

SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students on the basis of actual or perceived sex, sexual orientation, and /or gender identity and expression is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation, and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

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

- a. submission to that conduct is made either explicitly or implicitly a term or condition of a student's education;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting a student's education; or
- c. the conduct has the purpose or effect of unreasonably interfering with a student's school performance or creating an intimidating, hostile, or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (0110.1-R).

The Board is committed to providing an educational environment that promotes respect, dignity, and equality and that is free from all forms of sexual harassment. To this end, the Board 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 district, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when harassment is done by electronic means (including on social media). Sanctions will be enforced against all those who engage in

sexual harassment or retaliation, and against district personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the district finds that a person violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy, and state law.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a reasonable suspicion that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, the Board directs that training programs shall be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. 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.

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

The Board of Education will review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions as appropriate.

Ref: 0115, Student Harassment and Bullying Prevention and Intervention

Education Amendments of 1972, Title IX, 20 U.S.C. § 1681 *et seq.*

Education Law §§ 10-18 (The Dignity for All Students Act) Title VII of Civil Rights Act (1964), 42 U.S.C. § 2000-e; 34 CFR § 100 *et seq.*

Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)

Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)

Cannon v. University of Chicago, 441 U.S. 677 (1979)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*

Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*

Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Title IX of the Education Amendments of 1972

Adoption date: April 2, 2001

Revised Adoption date:

SEXUAL HARASSMENT REGULATION

This regulation is intended to create and preserve an educational environment free from unlawful sexual harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression, in furtherance of the district's commitment to provide a healthy and productive environment for all students that promotes respect, dignity and equality.

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual harassment refers to sex-based conduct that includes one or more of the following categories:

- 1) Quid Pro Quo Harassment: instances where a school employee conditions education benefits on participation in unwelcome sexual conduct; or
- 2) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, *and objectively offensive* that it effectively denied a person equal access to the school's education program or activity; or
- 3) Sexual assault, (as defined in the Clergy Act, 20 U.S.C. § 1092(f)), and dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. § 12291(a)).

Unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's actual or perceived sex, gender, or sexual orientation, when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or

physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

Unacceptable Conduct

School-related conduct that the 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;
2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc., or when accompanied by implied or overt threats concerning the target's school evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory 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 or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, 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" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "panting" or "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 derogatory or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;

12. other hostile actions taken against an individual because of that person's actual or perceived sex, sexual orientation, gender identity or expression, such as interfering with, destroying or damaging a person's school area or equipment; sabotaging that person's school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
 - b. ostracizing or refusing to participate in group activities with an individual (for example, during class projects, physical education classes or field trips) because of the individual's actual or perceived sex, sexual orientation, and/or gender identity or expression;
 - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's actual or perceived sex, sexual orientation, or gender.

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

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs, and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when the harassment is done by electronic means (including on social media).

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 many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unwelcome conduct must be sufficiently severe, pervasive, and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

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 the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the 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 a peer);
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; and
8. incidents of gender-based, but non-sexual harassment.

Reporting Complaints

Students who believe they been the target of sexual harassment related to the school setting are encouraged to report complaints as soon as possible after the incident in order to enable the District to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student is also encouraged to report the incident or behavior to the district Any person who witnesses, is aware of, or has a reasonable suspicion of sexual harassment of a student is also encouraged to report the incident or behavior to the district. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator; however, students may go to any district employee with sexual harassment complaints.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or the Title IX coordinator.

In order to assist investigators, targets 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 target's response to the harassment.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the 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 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 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.

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 district's ability to respond to their complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the 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 district from responding effectively to the harassment and preventing the harassment of others.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator 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. This investigation shall be prompt and thorough and shall be completed as soon as possible.

As soon as possible but no later than two working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action he/she wants taken in order to resolve the complaint. Refer the target, 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 target. If the target has not prepared written documentation, instruct the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0115-E, Student Bullying and Harassment Complaint Form) based on the verbal report.

3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with or retaliates against the target, he/she will be subject to immediate disciplinary action.
6. 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.
7. Review all documentation and information relevant to the complaint.
8. 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 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.
9. Involvement and Notification
 - a. Parents/guardians of student targets and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. The parents/guardians of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
 - c. If either the target 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 conduct a review of the relationship between the student's disability and the behavior in order 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.
 - d. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.

- e. The investigator shall report back to both the target and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
 - f. The investigator shall notify the target that if they desire further investigation and action, he/she may request a district-level investigation by contacting the Superintendent of Schools. The investigator shall also notify the target of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.
10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
- a. A list of all documentation and other evidence reviewed, along with a detailed summary;
 - b. A list of names of those interviewed along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or 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 will be referred promptly to the Superintendent. In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint will be filed

with or referred to the Board President, who will refer the complaint to a trained investigator not employed by the district for investigation.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

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

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target 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 or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

The target 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, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of 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, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment

claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties and Consequences

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

Students: 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.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Non-employees (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of 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.

Training

All students and employees will be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy will also be posted in a prominent location at each school. All secondary school student body officers shall receive district training about the policy at the beginning of each school year.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment, and on appropriate and inappropriate behavior.

All new employees shall receive information about this policy and regulation at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the 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 target.

Adoption date: April 2, 2001

Revised Adoption date: