

## STUDENT ANTI-HARASSMENT POLICY

The Board of Education is committed to maintaining an academic and work environment that is free of discrimination. In keeping with this commitment, the district will not tolerate harassment of students by anyone, including any administrator, supervisor, co-worker, student, teacher, vendor, or visitor of the district.

Harassment consists of unwelcome conduct, whether verbal, physical, or visual, that is based upon a person's protected status, such as sex, color, race, ancestry, religion, national origin, age, physical or mental disability, medical condition, marital status, veteran status, citizenship status, or other characteristic protected by Title IX of the Educational Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or other applicable federal and state laws and regulations. The district will not tolerate harassing conduct that interferes unreasonably with a student's academic or work performance or creates an intimidating, hostile or offensive work or academic environment.

Sexual harassment deserves special mention. Unwelcome sexual advances, requests for sexual favors, and other physical, verbal, or visual conduct based on sex constitute sexual harassment when (1) submission to the conduct is an explicit or implicit term or condition of employment or academic performance, (2) submission to or rejection of the conduct is used as the basis for an employment or academic decision, or (3) the conduct has the purpose or effect of unreasonably interfering with a person's work performance or academic performance or creating an intimidating, hostile, or offensive working environment or academic environment. Sexual harassment may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about gender-specific traits, foul or obscene language or gestures, displays of foul or obscene printed or visual material, and physical contact such as patting, pinching, or brushing against another's body.

All district employees and students are responsible to help ensure that harassment is avoided. Any student who believes he or she has been subjected to, witnessed or has information regarding possible harassment, should notify the district's designated Title IX Compliance Officer or another district official immediately. The Board prohibits retaliation against anyone, who, in good faith, reports possible harassment, makes a harassment complaint, cooperates in a harassment complaint investigation or any related proceeding.

The district's policy is to investigate all harassment complaints promptly and thoroughly. The Superintendent of Schools is directed to develop and implement specific procedures for reporting, investigating and acting upon allegations of discrimination, including harassment, consistent with applicable law. To the fullest extent practicable, the district will keep complaints and the terms of their resolution confidential. If an investigation confirms that harassment has occurred, the Superintendent and/or the Board will take corrective action, including, but not limited to, appropriate disciplinary action. Disciplinary action may include disciplinary proceedings and/or termination of employment.

## STUDENT ANTI-HARASSMENT REGULATION

### Section 1: CONSTRUCTION

#### 1.1 Policy Definitions

For the purposes of this policy:

“Days” means calendar days.

“District” means the Northeastern Clinton Central School District.

“Student” means any person who is registered in the district and is taking academic classes.

“Person” and “Complainant” will include a student of the district.

“Employee” means all teaching, administrative and support personnel employed by the district.

“Title IX Compliance Officer” means the person designated by the district to ensure compliance with Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973 or other applicable federal and state laws and regulations.

#### 1.2 Publication of Policy

The district shall promulgate this policy as follows:

A copy of the policy statement shall be given to each new employee at the time of hire.

A copy of the policy statement shall be published as part of the district’s student handbook and faculty handbook.

A copy of the policy statement shall be published annually in the official newsletter or newspaper of the district.

All distributions or publications of this policy shall contain the name, business address and telephone number of the current designated Title IX Compliance Officer of the district.

#### 1.3 Policy Information

Copies of the legislative acts upon which the Anti-Harassment policy is based shall be available upon request directed to the Title IX Compliance Officer.

A copy of the district's Anti-Harassment policy and regulation shall be provided to any employee or student upon request directed to the Title IX Compliance Officer.

#### **1.4 Other Harassment Information**

Further information concerning harassment may be made to:

Regional Director  
United States Department of Education - Office of Civil Rights  
26 Federal Plaza  
New York, New York 10278

New York State Department of Human Rights  
Alfred E. Smith State Office Building  
25th Floor, P.O. Box 7063  
Albany, New York 12225-0063

Equal Employment Opportunity Commission  
New York District Office  
90 Church Street  
Room 1505  
New York, New York 10007

New York State Commissioner of Education  
New York State Education Department  
Washington Avenue  
Albany, New York 12234

### **Section 2: STATEMENT OF PROHIBITED CONDUCT AS TO HARASSMENT OTHER THAN SEXUAL HARASSMENT**

The Board considers the following conduct to represent some of the types of acts which violate the district's policy prohibiting harassment.

#### **2.1 Physical Conduct**

Physical assault (including hitting, pinching, slapping, poking, and squeezing) and intentional physical conduct of a harassing nature of any kind (including obstructing a person's freedom of movement, stalking, and staring) is prohibited.

#### **2.2 Verbal Conduct**

Derogatory or demeaning gestures, noises, remarks, jokes or comments about a person's color, race, ancestry, religion, national origin, age, physical or mental disability, medical condition, marital status, veteran status, citizenship status, or other such characteristic protected by law are prohibited.

### **2.3 Displays**

Discriminatory displays or publications anywhere on district property by a district employee or student are prohibited, such as:

- (1) Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials, or other materials of a derogatory or demeaning nature; bringing such materials into the district's work environment; and possessing such material to read, display or view while at work or school.
- (2) Displaying signs or other materials purporting to segregate a student by protected characteristic in any area of the workplace.

### **2.4 Retaliation**

Retaliation for discrimination complaints, such as:

- (1) Disciplining, changing student assignments, providing inaccurate student information, or refusing to cooperate or discuss school-related matters with a student because that student has complained about or resisted harassment, discrimination or retaliation;
- (2) Intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in this section.

### **2.5 Other Acts**

- (1) The above-mentioned conduct is not to be construed as an all inclusive list of prohibited acts under this policy.
- (2) Harassment is unlawful and hurts other students. Any of the prohibited conduct described herein is harassment of anyone at whom it is directed or who is otherwise subjected to it. Each incident of harassment contributes to a general atmosphere in which all persons who share the victim's protected characteristic suffer the consequences. Harassing acts or discrimination-based conduct have no legitimate business or educational purpose. Accordingly, the employee or student who engages in such conduct will be made to bear full responsibility for such unlawful conduct.

## **Section 3: STATEMENT OF PROHIBITED CONDUCT AS TO SEXUAL HARASSMENT**

The Board considers the following conduct to represent some of the types of acts which violate the district's Anti-Harassment policy specifically prohibiting sexual harassment.

### **3.1 Physical Assaults**

Physical assaults of any kind are prohibited as well as physical assaults of a sexual nature, such as:

- (1) rape, sexual battery, molestation or attempts to commit these assaults; and
- (2) intentional physical conduct which is sexual in nature, such as touching, pinching, patting, grabbing, brushing against a student's body, or poking a student's body.

### **3.2 Sexual Advances**

Unwanted sexual advances, propositions or other sexual comments, such as:

- (1) sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality or sexual experience directed at or made in the presence of any employee or student who indicates or has indicated in any way that such conduct in his/her presence is unwelcome.
- (2) preferential treatment or promise of preferential treatment to a student for submitting to sexual conduct, including soliciting or attempting to solicit a student to engage in sexual activity for compensation or reward; and
- (3) subjecting, or threats of subjecting, a student to unwelcome sexual attention or conduct or intentionally making performance of the student's job or activities more difficult because of that student's sex.

### **3.3 Displays**

Sexual or discriminatory displays or publications anywhere in the district's workplace by a district employee or student, such as:

- (1) Displaying pictures, posters, calendars, graffiti, objects, promotional materials, reading materials or other materials that are sexually suggestive, sexually demeaning, or pornographic; bringing such material into the district's work environment; possessing any such material to read, display or view at school.

A non-educational picture will be presumed to be sexually suggestive if it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the district's workplace and who is posed for the obvious purpose of displaying or drawing attention to private portions of their body.



- (2) Reading or otherwise publicizing in the work environment materials that are in any way sexually revealing, sexually suggestive, sexually demeaning or pornographic.
- (3) Displaying signs or other materials purporting to segregate a student by sex in any area of district property (other than restrooms and similar semi-private lockers/changing rooms).

### **3.4 Retaliation**

Retaliation for sexual harassment complaints, such as:

- (1) disciplining, changing student assignments, providing inaccurate student information, or refusing to cooperate or discuss school-related matters with a student because that student has complained about or resisted harassment, discrimination or retaliation; or
- (2) intentionally pressuring, falsely denying, lying about or otherwise covering up or attempting to cover up conduct such as that described in this section.

### **3.5 Other Acts**

Other acts:

- (1) The above is not to be construed as an all inclusive list of prohibited acts under this policy and regulation.
- (2) Sexual harassment is unlawful and hurts other students. Any of the prohibited conduct described herein is sexual harassment of anyone at whom it is directed or who is otherwise subjected to it. Each incident of harassment contributes to a general atmosphere in which all persons who share the victim's sex suffer the consequences. Sexually-oriented acts or sex-based conduct have no legitimate business or educational purpose. Accordingly, the employee or student who engages in such conduct will be made to bear the full responsibility for such unlawful conduct.

## **Section 4: PROCEDURES FOR MAKING, INVESTIGATING AND RESOLVING HARASSMENT AND RETALIATION COMPLAINTS**

### **4.1 Definition of Harassment Complaint**

Any person who believes that he or she has been subjected to harassment in violation of federal and state laws and regulations may bring a complaint to the Title IX Compliance Officer which will be referred to as a Harassment Complaint.

#### **4.2 Filing a Harassment Complaint**

The district will provide students with convenient, confidential and reliable mechanisms for reporting incidents of possible harassment and retaliation. Accordingly, the district designates the Title IX Compliance Officer to investigate all harassment issues. The name, responsibilities, work location and phone number of the Title IX Compliance Officer will be routinely and continuously posted so that a student seeking him/her can enjoy anonymity and remain inconspicuous to all of the employees and students in the district.

Complaints of acts of harassment and/or retaliation that are in violation of the Anti-Harassment policy will be accepted in writing or orally, and anonymous complaints will be taken seriously and investigated. However, it is preferred that a written statement of the complaint signed by the complainant be submitted to the Title IX Compliance Officer. This complaint procedure is designed and will be administered to avoid a situation where a student is faced with complaining to the person, or a close associate of the person who is the subject of his/her complaint. Anyone who has observed possible harassment and retaliation should report it to the Title IX Officer immediately.

A complainant need not be limited to someone who was the target of harassment and/or retaliation.

Submission of a complaint of possible harassment will not affect a student's future employment, grades or work assignments as provided in the non-retaliation provision of this regulation..

#### **4.3 Right to Alternative Complaint Procedures**

These procedures do not deny the right of any person to pursue other avenues of recourse available to him/her which may include filing an administrative charge, initiating a civil action, seeking redress under state criminal statutes and/or any applicable federal provisions.

#### **4.4 Title IX Compliance Officer Notification**

The Title IX Compliance Officer shall notify the Superintendent upon receipt of a harassment complaint.

The Superintendent shall notify the Board as to the district's receipt of any harassment complaint.

Under certain circumstances, sexual harassment may constitute sexual abuse. In such situations, the district shall comply with any applicable statutory obligations as to its reporting.

#### **4.5 Harassment Complaint Investigation**

The Title IX Compliance Officer shall create a complaint file, which shall contain a written description of the complaint, the investigation documentation, the complaint's resolution and any follow-up documentation.

The Title IX Compliance Officer may appoint an Investigative Officer to assist him/her in investigating a harassment complaint. An Investigative Officer may be a third party designated by the district.

The student shall be entitled to representation of his or her choice, and at his or her own expense, at all complaint meetings. The complainant shall notify the Title IX Compliance Officer in writing of the name and title of any representative at least two (2) days prior to the meeting or as agreed by the parties.

Only those persons who have an immediate need to know, including the Title IX Compliance Officer and/or an Investigative Officer, the alleged target of the harassment or retaliation, the alleged harasser(s) or retaliator(s) and any witnesses or persons with knowledge involved in the investigation will or may find out the identity of the complainant in the course of the investigation.

All parties contacted in the course of an investigation shall be advised that all the parties involved in a charge are entitled to respect and that any retaliation or reprisal against any person who is an alleged target of harassment or retaliation, who is an alleged harasser, who has made a complaint or who has provided information in connection with a complaint or its investigation is a separate violation of the district's Anti-Harassment policy provisions prohibiting retaliation. This complaint process shall be administered consistent with federal and state labor law when bargaining unit members are affected.

All harassment complaints shall be investigated promptly by the Title IX Compliance Officer or an Investigative Officer. Investigations shall be initiated within seven (7) calendar days of receipt of a complaint.

#### **4.6 Investigation Report**

The Title IX Compliance Officer shall produce a written Investigation Report for the Superintendent upon the conclusion of the investigation, which shall summarize the investigation findings. The Title IX Compliance Officer may make recommendations as to appropriate remedial measures based upon the information gathered in the investigation of the complaint. The Title IX Compliance Officer shall forward the Investigation Report to the Superintendent for action. In the event the Superintendent is implicated in a complaint, the Investigation Report will be forwarded to the Board for action.



**Section 5: HARASSMENT COMPLAINT RESOLUTION****5.1 Complaint Resolution and Notification of Parties**

The Superintendent (or the Board, if applicable) shall consider and act upon the Investigative Report and any recommendations contained therein within seven (7) calendar days of its receipt and shall notify the complainant parties in writing as to the complaint's resolution.

Any district action taken pursuant to this policy and regulation will be consistent with requirements of applicable collective bargaining agreements, federal and state statutes and district policies. The district will take such corrective action it deems necessary and appropriate to end harassment and/or retaliation and prevent its recurrence.

**5.2 Complaint Investigation Questions**

All questions regarding a complaint investigation should be directed to the Superintendent or the Title IX Compliance Officer. The Superintendent or the Title IX Compliance Officer shall meet with the complainant party to explain how the investigation was conducted upon a request received within five (5) calendar days from his/her receipt of the complainant's written resolution.

**5.3 Complaint Resolution Questions**

All questions regarding a complaint shall be directed to the Superintendent. The Superintendent will address questions regarding a complaint resolution to explain how the result was reached upon a request received within ten (10) calendar days of the distribution of the complaint's written resolution.

**5.4 Complaint Resolution Appeal**

If the complaint has not been resolved, a complainant party may appeal the resolution to the Board. A complainant party may appeal the complaint resolution by forwarding a signed Statement of Appeal to the Board within ten (10) calendar days of his/her receipt of the written complaint resolution.

**5.5 Appeal Meeting with Board of Education**

In an attempt to resolve the appeal, the Board shall meet with the complaint party appealing and any representative within thirty (30) calendar days of receipt of such Statement of Appeal in a confidential meeting.

**5.6 Appeal Disposition and Notification**

The Board's written disposition of the appeal shall be sent to the complainant party appealing and a copy to any representative within fifteen (15) days of the meeting with the Board. Notification of any remaining complainant parties shall be made as necessary based on the Board's action and in their discretion.

**5.7 Board Action Appeal**

The decision of the Board may be appealed by the complainant party contacting:

Regional Director  
United States Department of Education-Office of Civil Rights  
26 Federal Plaza  
New York, New York 10278  
(212) 264-5190

**5.8 Investigative File Access**

Investigative files will be available to federal, state and local agencies charged with equal employment or affirmative action enforcement and as required by law. The name(s) of complainant(s) shall be kept under separate file.

**5.9 Non-Retaliation Policy**

An effective Anti-Harassment policy requires support and leadership by the example of all district personnel in positions of authority. District administrators, supervisors, teachers, employees or students who engage in harassment or retaliation or who disrupt school-sponsored investigations of harassment or retaliation may be severely sanctioned as appropriate, including suspension or termination. Retaliation includes, but is not limited to, any form of intimidation reprisal or harassment.

In addition, district officials who refuse to implement remedial measures, obstruct remedial efforts of other district employees or students, and/or retaliate against harassment complainants, witnesses or participants in an investigation or related proceeding may be immediately sanctioned as appropriate, including sanctions of suspension or termination.

Adoption date: April 8, 1996

**STUDENT ANTI-HARASSMENT EXHIBIT**

**NORTHEASTERN CLINTON CENTRAL SCHOOL DISTRICT  
ANTI-HARASSMENT POLICY  
HARASSMENT COMPLAINT FORM**

Northeastern Clinton Central School District maintains a firm policy prohibiting all forms of harassment, including sexual harassment. Sexual harassment against students is a form of sex discrimination. All persons are to be treated with respect and dignity. Unwelcome sexual advances or other forms of harassing behavior which create an intimidating, hostile or offensive work or academic environment will not be tolerated.

Complainant \_\_\_\_\_

Home address \_\_\_\_\_

Home phone \_\_\_\_\_

Target(s) of harassment \_\_\_\_\_

Date of the harassment \_\_\_\_\_

Name of person(s) responsible for the harassment \_\_\_\_\_

List any person(s) with knowledge of the harassment \_\_\_\_\_

Where did the harassment occur? \_\_\_\_\_

Describe the harassment as clearly as possible, including such things as verbal statements, threats, requests, demands and what, if any physical contact was involved. (Attach additional pages if necessary.) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Resolution desired \_\_\_\_\_

\_\_\_\_\_

This complaint is filed based on my honest belief that prohibited conduct under the Anti-Harassment policy has occurred. I hereby certify that the information I have provided in this complaint is true, correct and complete to the best of my knowledge and belief.

\_\_\_\_\_  
Complainant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by

\_\_\_\_\_  
Date

**STUDENT ANTI-HARASSMENT EXHIBIT**

NORTHEASTERN CLINTON CENTRAL SCHOOL DISTRICT  
ANTI-HARASSMENT POLICY  
HARASSMENT COMPLAINT RESOLUTION APPEAL FORM

Person filing appeal \_\_\_\_\_

Date of appeal \_\_\_\_\_

Date of original complaint \_\_\_\_\_

List prior appeals, if any \_\_\_\_\_

Description of decision being appealed \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe why decision is being appealed (Attach additional pages if necessary.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Requested action to be taken \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Appellant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Received by

\_\_\_\_\_  
Date