



Book	Southampton UFSD Board Policies
Section	0000 Goals and Objectives
Title	Sexual Harassment
Code	0110
Status	Active
Adopted	October 25, 2005
Last Revised	May 4, 2021
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Sexual harassment is against federal and state law. The Board is committed to maintaining an educational and working environment free from such harassment, and therefore prohibits sexual harassment of students and employees in the district. The district will establish detailed policies and regulations for both students and employees which address definitions, protections, prohibited behavior (including retaliation), prevention activities, training/education, complaint reporting, investigations, and consequences.

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 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.

Ref:

- Education Amendments of 1972, Title IX, 20 U.S.C. §1681 et seq.; 34 CFR 106 et seq.
- Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.
- Education Law §§10-18 (Dignity for All Students Act)
- Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)
- Labor Law §201-g (required workplace sexual harassment policy and training)
- Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)
- General Obligations Law §5-336 (nondisclosure agreements optional)
- 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)
- Faragher v. City of Boca Raton, 524 U.S. 775 (1998)
- Burlington Industries v. Ellerth, 524 U.S. 742 (1998)
- Oncale v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)
- Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
- Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
- Cannon v. University of Chicago, 441 U.S. 677 (1979)

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)

Legal

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.
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)
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This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment in furtherance of the district's commitment to provide a healthy and productive environment for all students, employees, paid or unpaid intern, or non-employee that promotes respect, dignity and equality.

Sexual Harassment Defined

Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment.

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

"Gender-based harassment" means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived sexual and sexual orientation stereotypes, gender identity or expression.

Sexual or sexual orientation-based harassment can deny or limit an individual's ability to participate in or to receive benefits, services, or opportunities from the School District.

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. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or "non- employee's" employment or 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 a factor in decisions affecting an employee's or "non-employee's" employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's or "non- employee's" work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment, even if the complaining individual is not the intended target of the sexual harassment.

"Sexual violence" 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 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" means 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.

"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.

Sexual harassment can occur between persons of all ages and genders. Because sexual harassment can occur staff to student, staff to staff, student to student, student to staff, male to female, female to male, male to male or female to female, 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. Those laws are identified below. The School District's Code of Conduct also addresses appropriate behavior in the school environment. 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.

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. 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 display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
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;
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," "snuggies" 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;
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 that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome and/or nonconsensual written or pictorial display or distribution of pornographic or other sexually explicit materials 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.

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student, employee, paid or unpaid intern, or non-employee did not request or invite it and regarded the conduct as undesirable or offensive. Sexual harassment can occur between any individuals, regardless of their sex or gender. State and federal law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. A perpetrator of sexual harassment can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

Conduct which may not constitute sexual harassment under this policy may still be inappropriate and/or a violation of the District's Code of Conduct, Dignity for All Students' Act policy or other policies and procedures. Such conduct shall be referred to the appropriate administrative personnel and may result in discipline in accordance with applicable laws and policies.

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), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered 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 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 or non-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; and
8. incidents of gender-based, but non-sexual harassment.

Reporting Complaints

In order for the Board of Education 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 and/or Compliance Officer, or by any other means that results in the Title IX Coordinator and/or Compliance Officer receiving the person's verbal or written report. Such 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 or Compliance Officer. The School 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.

The School District will designate, at a minimum, two (2) Compliance Officers, one (1) of each gender. In addition, the Board of Education will designate an individual for compliance with Title IX in regard to sexual harassment so that individuals who believe that they have been subjected to sexual harassment will have a second avenue of complaint, if the alleged harasser is one of the Compliance Officers.

Victims of sexual harassment are urged to come forward and to make reports of such sexual harassment to the Compliance Officer and/or 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.

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 his/her 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 other students, employees or non-employees.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Compliance Officer or second designee 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 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) working days following receipt of a 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. Instruct 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. 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. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or 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 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 allegations as soon as is reasonably practicable after receiving the complaint.
 - c. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
 - 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 to the Superintendent.
- f. The investigator shall report back to both the victim 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 victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
- g. The investigator shall notify the victim that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the victim 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.

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. A determination of responsibility shall be made in writing by a decision-maker(s), who is (are) not the Title IX Coordinator or the investigator, by using the clear and convincing evidence standard to determine whether the alleged harasser is responsible for the alleged conduct. Such written determination must 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 Compliance Officer or second designee 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. In addition, where the Compliance Officer or second designee has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall 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 Compliance Officer or second designee 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 to him/her by a Compliance Officer or second designee, as well as those appealed to the Superintendent following an initial investigation by a Compliance Officer or second designee. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall 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 (3) 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. 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 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 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 or Board-appointed investigator will provide all parties with a written status report within 30 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 as set forth below.

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 as set forth below. Nothing in this policy shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court.

Supervisory Responsibilities

All supervisors and administrators who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to a Compliance Officer or second designee or the Superintendent of Schools.

In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

Supervisors and administrators will also be subject to discipline for engaging in any retaliation.

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/or state or federal law.

Mandatory arbitration clauses concerning sexual harassment claims are prohibited in all School District contracts and agreements, except as required by an applicable collective bargaining agreement, for collective bargaining agreements agreed to prior to July 11, 2018.

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.

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 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, 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 and/or Compliance Officer. In the event the Title IX Coordinator and/or Compliance Officer is the alleged offender, the report will be directed to another Title IX Coordinator and/or Compliance Officer, if the School District has designated another individual to serve in such a capacity, 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 www.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 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.

Discipline/Penalties

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.
- Vendors: Penalties may range from a warning up to and including loss of district business.
- Non-employees (i.e. contractors, subcontractors, vendors, consultants 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.

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 experience by victims of sexual harassment, the victims will be referred to an appropriate local counseling service or the Employee Assistance 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 on the School District's website and in prominent locations at each school. All secondary student body officers shall receive School District training about the policy at the beginning of each school year.
2. 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, Compliance Officers/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.

3. Program directors and principals in each school and program directors shall be responsible for informing students 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 victim. All employees of the District shall receive training on an annual basis which is interactive, and which includes:
 - an explanation of sexual harassment;
 - examples of conduct that would constitute unlawful sexual harassment;
 - information concerning the federal and state statutory provisions concerning sexual harassment and remedies available to victims of sexual harassment; and
 - information concerning employees' rights of redress and all available forums for adjudicating complaints.