

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to maintain a work environment free of sexual harassment and intimidation. Sexual harassment is offensive, violates the law, and violates District policy. Therefore, the Board of Education prohibits and condemns all forms of sexual harassment which occur on school grounds or during work-related activities away from school. The District has a zero-tolerance position on any form of sexual harassment, and all employees are required to conduct themselves in a manner that prevents sexual harassment in the workplace.

This Policy is one component of the District's commitment to a discrimination-free work environment. All employees have a legal right to a workplace free from sexual harassment, and employees can enforce this right by filing a complaint internally with the District, or alternatively through a government agency or in court under federal, state or local antidiscrimination laws.

POLICY

1. This Policy serves to protect all District employees, applicants for employment, interns (paid or unpaid), volunteers, and other persons working on behalf of the District in any employment capacity (collectively referred to herein as "District Personnel"). Any of those personnel may submit a sexual harassment complaint pursuant to this Policy. All District Personnel are also expected to conduct themselves in accordance with these prohibitions in this Policy.
2. Sexual harassment will not be tolerated in the District. It is considered a form of misconduct. It is also violation of state and federal law. District Personnel on any level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who knowingly allow such behavior to continue will be subject to applicable disciplinary processes and could be penalized up to and including termination from employment.
3. The District will designate, at a minimum, two Compliance Officers, one of each gender. The Compliance Officers will be available to all District Personnel wishing to report any behavior prohibited under this Policy. The Compliance Officers will also be available to answer any questions about this Policy.

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Continued)

THE DISTRICT'S DESIGNATED COMPLIANCE OFFICERS ARE:

<p>Martin Rotz (male) Superintendent District Office 866-810-0345 ext. *330 Mrotz@romuluscsd.org</p>	<p>Jennifer Bartlett-Prati Director Of Curriculum and Instruction District Office 866-810-0345 ext *172 JBartlett@romuluscsd.org</p>
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Any District staff member may make a report or ask a question to either Compliance Officer, or alternatively to the Superintendent of Schools.

4. District Personnel who believe they have been subjected to sexual harassment should immediately inform one of the designated Compliance Officers or the Superintendent of Schools.
5. When reports of sexual harassment are made, or when the District administration suspects that sexual harassment is occurring, the District will conduct a prompt and thorough investigation which ensures due process for all parties. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All District Personnel, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.
6. Adverse retaliatory actions will not be tolerated in the District. No District Personnel shall be subject to adverse employment action including being discharged, disciplined, discriminated against, or otherwise subject to adverse employment action because they report an incident of sexual harassment, provide information, or otherwise assist in any investigation of a sexual harassment complaint. The District has a zero-tolerance policy for such retaliation against anyone who complains or provides information in good faith about suspected sexual harassment. District Personnel who retaliate against anyone involved in a sexual harassment investigation will be subject to applicable disciplinary processes and could be penalized up to and including termination from employment.

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Continued)

7. District Personnel who believe they have been subjected to retaliation should inform one of the designated Compliance Officers or the Superintendent of Schools.
8. When reports of retaliation are made, or when the District administration suspects that retaliation is occurring, the District will conduct a prompt and thorough investigation that ensures due process for all parties. Effective corrective actions will be taken whenever retaliation is found to have occurred. All District Personnel, including managers and supervisors, are required to cooperate with any internal investigation of alleged retaliation.
9. All District Personnel, regardless of whether they are direct victims of sexual harassment/retaliation or passive observers, are encouraged to report any sexual harassment, retaliation, or other behaviors they witness which they believe to be in violation of this Policy.
10. Personnel in a management or supervisory job title are required to report any complaint that they receive, or any prohibited behavior that they observe or suspect is occurring, to one of the designated Compliance Officers or to the Superintendent of Schools.
11. This Policy must be provided to all District Personnel when they commence work for the District. The District will conduct annual training of all employees regarding this Policy and other subjects related to sexual harassment and retaliation. Training will be conducted in accordance with applicable state laws.

What Is “Sexual Harassment”?

Sexual harassment is a form of sex discrimination and is prohibited by state and federal law. Sexual harassment occurs when a person is subjected to unwelcome harassing conduct that is sexual in nature, or when a person is harassed because of that person’s sex, sexual orientation, gender identity, or transgender status.

A sexually harassing hostile work environment consists of words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual’s sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks which are offensive or objectionable to the recipient and which cause the recipient discomfort or humiliation capable of interfering with job performance.

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Continued)

Sexual harassment also occurs when a person in authority offers to trade job benefits for sexual favors, or when a person in authority issues an ultimatum for sexual favors against the consequence of lost job benefits. These examples of sexual harassment are called “quid pro quo” harassment. The job benefits used as leverage in quid pro quo sexual harassment may be any term or condition of employment, including but not limited to hiring, promotion, continued employment, salary, leave time, job assignments/schedules.

The following list contains examples of behaviors which could potentially constitute unlawful sexual harassment:

- Physical assaults of a sexual nature, such as:
 - Touching, pinching, patting, grabbing, brushing against another employee’s body or poking another employee’s body;
 - Rape, sexual battery, molestation, or attempts to commit these assaults.
- Unwanted sexual advances or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the victim’s job performance evaluation, a promotion or other job benefits or detriments;
 - Subtle or obvious pressure for unwelcome sexual activities.

- Sexually oriented gestures, noises, remarks, jokes or comments about a person’s sexuality or sexual experience, which create a hostile work environment.

- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

- Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity and the status of being transgender, such as:
 - Interfering with, destroying or damaging a person’s workstation, tools or equipment, or otherwise interfering with the individual’s ability to perform the job;
 - Sabotaging an individual’s work;
 - Bullying, yelling, name-calling.

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Continued)

The list above is not exhaustive. Sexual harassment may occur as a result of *any* behavior which is unwelcome to the recipient and which offends the recipient because of the recipient's sex, when:

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

Who can be a target of sexual harassment?

Sexual harassment can occur between any person and any other person, regardless of their respective sexes or genders. All District Personnel are protected by this Policy. 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 to the school. The District has a legal duty to prevent sexual harassment upon all District Personnel, regardless of the position held by the perpetrator.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while District Personnel are traveling for District-related business or at District-sponsored events or parties. Telephone calls, mail, texts, e-mails, and social media postings can constitute unlawful workplace harassment, even if those behaviors occur away from the workplace premises or not during work hours, if they involve quid pro quo harassment or if they create hostile environment inside the workplace.

What is "Retaliation"?

Unlawful retaliation can be any actions or threats affecting a person's terms or conditions of employment which would keep a person from coming forward to make or support a sexual harassment

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Continued)

claim. Retaliatory actions in the workplace are strictly prohibited. Some kinds of adverse actions that occur outside the workplace may also be considered retaliation. All forms of retaliation are unlawful under state and federal law. For example, the New York State Human Rights Law prohibits retaliatory actions against any person who has engaged in “protected activity.” Protected activity occurs when a person has:

- Filed a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- Testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;
- Opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor, manager, or compliance officer of harassment;
- Complained on behalf of another employee who is being sexually harassed; or
- Encouraged a fellow employee to report sexual harassment.

PROCEDURE FOR REPORTING SEXUAL HARASSMENT OR RETALIATION

In order for the District to enforce this Policy, and to take corrective measures as may be necessary, the District must know about incidents that occur. It is *essential* for all District Personnel who have been subjected any behavior that may constitute sexual harassment or retaliation to report that behavior as soon as possible. Additionally, anyone who witnesses or becomes aware of potential instances of sexual harassment or retaliation toward others should report such behavior as soon as possible. Reports should be directed to a Compliance Officer or to the Superintendent of Schools.

A complaint form for submission of a written complaint is attached to this Policy. All employees are encouraged to use this form. Oral reports may also be made. Complaints made on behalf of other staff members may be made on an anonymous basis.

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Continued)

Reports made to a designated Compliance Officer or to the Superintendent of Schools should include a detailed description of the alleged behavior. The times and places where the alleged behavior occurred should be provided. Reports should include the names of other potential witnesses. All other information requested by the complaint form should be provided, if known to the individual making the report.

SUPERVISORY RESPONSIBILITIES

District Personnel in management or supervisory job titles have mandatory reporting responsibilities. All supervisors and managers must make a report to a Compliance Officer or to the Superintendent of Schools if they receive a complaint, if they receive information about suspected sexual harassment or retaliation, if they observe behaviors that could potentially constitute sexual harassment or retaliation, or if they suspect that sexual harassment or retaliation are occurring.

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

Supervisors and managers will also be subject to discipline for engaging in any form of retaliation.

COMPLAINT AND INVESTIGATION OF SEXUAL HARASSMENT

Upon receipt of a sexual harassment complaint (even an anonymous complaint), the District will conduct a prompt and thorough investigation of the allegations. Even in the absence of a complaint, if the District has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the District will investigate such conduct promptly and thoroughly. The District may elect to bring in a third-party investigator to conduct the investigation.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, limited disclosure of the complaint may be necessary to complete a thorough investigation of the charges. Any disclosure will be provided on a “need to know” basis. Persons who receive confidential information on a “need to know” basis are directed not to communicate that information to any other person.

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Continued)

District Personnel must cooperate as needed in an investigation of suspected sexual harassment. Personnel who provide information as part of an investigation will not be retaliated against. Personnel who provide information to an investigator are directed not to communicate with other persons about the questions they were asked or the information they shared with the investigator.

Investigations will be performed in accordance with the following steps:

- Upon receipt of complaint, the Superintendent of Schools or designee will initiate an immediate review of the allegations and may take reasonable and appropriate interim actions affecting the parties while the investigation is conducted.
- The Superintendent of Schools or designee will designate an individual to investigate the complaint.
- The District and/or the investigator will collect information relevant to the allegations in the complaint. The District, or investigator, may reach out to the reporting individual for additional information related to the allegations.
- If relevant documents, emails, phone records, or other forms of evidence exist, the reporting individual will be encouraged to provide that evidence to the District or investigator.
- Parties and/or witnesses relevant to the complaint will be interviewed by a Compliance Officer, the Superintendent of Schools or designee, or a designated investigator.
- Upon completion of the investigation, the investigator will present findings and recommendations to the Superintendent of Schools. The Superintendent of Schools or designee will determine whether personnel actions are necessary to protect District Personnel found to be the victims of prohibited conduct or take action against any person found to be the perpetrator of prohibited conduct.

As part of the investigation, the District reserves the right to search all school-owned property and equipment (including but not limited to District computers, rooms, desks, cabinets, lockers, computers, etc.) which are provided by the District for the use of students and staff, but for which the user does not have exclusive use of the property or equipment and no expectation of privacy exists.

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Continued)

Based upon the results of the investigation, if the District determines that any persons have violated the terms of this Policy, immediate corrective action will be taken, as warranted, up to and including termination of the perpetrator's employment in accordance with legal guidelines, District policy and regulation, the District's Code of Conduct, and the applicable collective bargaining agreement(s). Non-personnel individuals (such as visitors, vendors, etc.) who violate this Policy will be subject to appropriate sanctions as warranted and in compliance with state and federal law.

Even if a determination is made that no prohibited activity occurred, the District reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment or retaliation in the workplace.

Knowingly False Accusations are Prohibited

Knowingly false accusations of sexual harassment or retaliation are prohibited, and will be considered a form of misconduct. Employees and/or students who knowingly make false accusations of sexual harassment or retaliation against another individual will be subject to applicable disciplinary processes and could be penalized up to and including termination from employment.

LEGAL PROTECTIONS AND EXTERNAL REMEDIES

District personnel who believe they have been a victim of sexual harassment or retaliation may also seek assistance in other available forums. Sexual harassment and retaliation are not only prohibited by District policy, but are also prohibited by federal law and state law. Local county or municipal laws may also apply. Aside from the internal District process described above, employees may also choose to pursue legal remedies in an administrative or judicial forum on either the state or federal level. Employees are encouraged to utilize the District's complaint reporting procedures first, but should be aware of the availability of other legal protections and external remedies.

The New York State Human Rights Law, codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to 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 at the state level either with the New York State Division of Human Rights or in New York State Supreme Court.

The federal 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.

SUBJECT: SEXUAL HARASSMENT OF DISTRICT PERSONNEL (Continued)

§2000e et seq.). A complaint alleging a violation of Title VII may be filed at the federal level either with the EEOC or in a federal District Court.

If the sexual harassment involves physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Law enforcement agencies should be contacted if criminal behavior has occurred.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Education Law Section 2801(1)
Executive Law Sections 296 and 297

Adopted: 7/13/10

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Revised: 9/25/18

Revised 10/08/21- contact names only