

6121 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT (PERSONNEL)

The Board affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment or discrimination is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of harassment or discrimination on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital status, military status, veteran status, or disability by employees, school volunteers, students, and non-employees such as those seeking employment, contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

The Board prohibits harassment, discrimination or retaliation against any individual based on their opposition to discrimination or harassment. In addition, the Board prohibits harassment, discrimination or retaliation against any individual who participates in an investigation under this anti-discrimination policy. This policy of nondiscrimination and anti-harassment will be enforced on District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

It is intended that this policy apply to the dealings between or among employees with employees or potential employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the District, as well as school volunteers, visitors, guests and other third parties.

Illegal harassment or discrimination based on an individual's membership in a protected class consists of communication (verbal, written, or graphic) and/or physical conduct relating to an individual's membership in that protected class that is sufficiently severe, pervasive, or persistent so that such conduct:

- 1) Has the purpose or effect of creating an intimidating, hostile or offensive working or academic environment;
- 2) Has the purpose or effect of substantially or unreasonably interfering with an individual's work or academic performance; or
- 3) Otherwise adversely affects an individual's employment or academic opportunities.

(Continued)

**6121 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT
(PERSONNEL) (Cont'd.)**

Additionally, Title IX makes it illegal to engage in sexually harassing behaviors that would jeopardize a student's equal access to the educational program or create a discriminatory workplace. Sexual harassment, under Title IX includes three types of misconduct on the basis of sex:

- 1) Quid pro quo harassment, which is defined as requiring submission to sexual conduct or communication as a term or condition, either explicitly or implicitly, of an individual's employment or education or the submission to, or rejection of, such conduct or communication is used as a factor in decisions affecting an individual's employment or education;
- 2) Hostile work environment, which is defined as severe, pervasive and objectively offensive and unwelcomed sex based speech or conduct; and
- 3) Any instance of sexual assault (as defined by the Clery Act), dating violence, domestic violence, or stalking as defined by the Violence Against Women Act.

The District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment or discrimination. The Superintendent of Schools will set forth required procedures to implement this policy in regulation 6121R.

Age Discrimination in Employment Act,
29 United States Code (USC) Section 621.
Americans With Disabilities Act,
42 United States Code (USC) Section 12101 et seq
Prohibits discrimination on the basis of disability.
Civil Rights Act of 1964
42 United States Code (USC) Section 1981(a)
Section 504 of the Rehabilitation Act of 1973,
29 United States Code (USC) Section 794 et seq.
Prohibits discrimination on the basis of disability.
Title VI of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-d etsq
Prohibits discrimination on the basis of race, color or national origin.

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**6121 - ANTI-HARASSMENT/ANTI-DISCRIMINATION IN THE DISTRICT
(PERSONNEL) (Cont'd.)**

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000-e et seq
Prohibits discrimination on the basis of race, color, religion, sex or national origin.
Title IX of the Education Amendments of 1972,
20 United States Code (USC) Section 1681 et seq.
Prohibits discrimination on the basis of sex.
Civil Rights Law Section 40-c
Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual
orientation, marital status or disability.
Executive Law Section 290 et seq.
Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual
orientation, disability, military status, or marital status.
Military Law Sections 242 and 243

NOTE:

Refer also to Policies

#6122 – NYS Mandated Sexual Harassment Policy

#7550 -- Complaints and Grievances by Students

#7551 -- Anti-Harassment/Anti-Discrimination in the District (Students)

