

**SUBJECT: SEXUAL HARASSMENT: EMPLOYEES - WORKPLACE****Preamble**

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, consistent with state, federal and any applicable local laws, prohibits all forms of sexual harassment against District personnel by employees, school volunteers, students, and non-employees, such as contractors, volunteers, visitors, consultants, and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises. Any form of harassment by or against employees not covered by this policy will be dealt with under the normal administrative and disciplinary proceedings for employees and/or any other relevant policy. Such issues would be dealt with under District policy 1800 "Non-Discrimination (Employees)" and its accompanying regulation 1800-R, the Code of Conduct, or any applicable collective bargaining provisions, depending upon the situation. Title IX complaints will be handled under the District's Title IX policy. Employees will be provided with notice of this policy in writing in accordance with applicable laws and regulations.

**Sexual Harassment**

Sexual harassment is a form of sex discrimination and is unlawful under federal, state and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes harassment on the basis of sex when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or
- c) 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.

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However, under New York State Human Rights Law, sexual harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Rather, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment.

Sexual harassment includes, but is not limited to, sexual violence. For the purpose of this policy, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, supervisors, co-workers or non-employees.

**Prohibited Conduct**

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

- a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- b) Direct or indirect threats or bribes for unwanted sexual activity.
- c) Asking or commenting about a person's sexual activities.
- d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
- g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.

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- h) Unwelcome and/or offensive public displays of sexual/physical affection.
- i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- j) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.
- k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

**Complaints and Investigation**

Any employee who believes that he/she has been subjected to sexual harassment shall report all incidents of such conduct in accordance with District Regulation 1800-R.

**Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, accused individuals, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation.

**Training and Outside Reporting**

The District shall provide appropriate training annually to all staff on sexual harassment in accordance with applicable laws. Newly hired staff will also be provided training.

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Aside from the internal process, employees may also choose to pursue legal remedies available to them, including, but not limited to, filing complaints with governmental entities. Employees and non-employees have the right to file a complaint with the New York State Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, or with the Equal Employment Opportunity Commission, 1-800-669-4000, [www.eeoc.gov](http://www.eeoc.gov), [info@eeoc.gov](mailto:info@eeoc.gov). Individuals may also call the New York State Division of Human Rights' (NYSDHR's) toll free confidential hotline at 1-800-HARASS-3 (1-800-427-2773) Monday through Friday, 9:00 AM to 5:00 PM, for counsel and assistance regarding complaints of workplace sexual harassment. The hotline connects individuals with attorneys who have experience in responding to issues relating to sexual harassment and can provide pro bono assistance. 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.

**Civil Rights Act of 1991, 42 USC Section 1981(a) 29 CFR Section 1604.11(a)  
Civil Service Law Section 75-B Executive Law Sections 296 and 297  
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.  
34 CFR Section 100 et seq.**