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| Book | PPCSD District Policy Manual |
| Section | 9000 Personnel |
| Title | WORKPLACE SEXUAL HARASSMENT |
| Code | 9110.02 |
| Status | Active |
| Cross References | 5020.1 - SEXUAL HARASSMENT POLICY FOR STUDENTS |

The Board of Education recognizes that harassment of employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and certain non-employees (which includes contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which employees and non-employees can work productively.

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 actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status.

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, when:

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

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes.

The Board 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 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 district, or outside the school setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees and "non-employees" travel on district business, or when harassment is done by electronic means (including on social media). Sexual harassment is considered a form of employee misconduct.

Retaliation against individuals who complain of sexual harassment or who testify or assist in any investigation or proceeding involving sexual harassment is unlawful. Remedial and/or disciplinary action will be taken against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue or engage in retaliation.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, employees and non-employees have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the district. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, whether formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

Complaints will be investigated based upon the totality of circumstances noting that not all unacceptable conduct will rise to the level of sexual harassment. Behaviors must be sufficiently severe and/or pervasive (and may even be based upon a single severe incident), and objectively offensive in the context of this policy to give rise to findings of sexual harassment.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe to a Title VII Compliance Officer.

If, after appropriate investigation that should be conducted within a 30 calendar day time period, absent exigent circumstances, the District finds that 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, district policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all district contracts and agreements.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, training programs shall be established annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

This policy shall be posted in a prominent place in each district facility, on the district's website, and shall also be published in staff informational materials, employee handbooks, and other appropriate school publications.

A committee of administrators, teachers, parents and the school attorney shall be convened periodically to review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions to Board.

External Remedies

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458. The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, info@eeoc.gov, or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202.

Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime. No district contract or collective bargaining agreement entered into after July 11, 2018 may include a binding arbitration clause for

sexual harassment requiring arbitration before bringing the matter to court.

Cross-ref:

5020.1, Sexual Harassment Policy for Students

Ref:

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.

Executive Law §296-d (prohibition of sexual harassment of non-employees)

Labor Law §201-g (required 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)

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)

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| Section | 9000 Personnel |
| Title | WORKPLACE SEXUAL HARASSMENT REGULATION |
| Code | 9110.02-R |
| Status | Active |

This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment on the basis of sex, gender and/or sexual orientation in furtherance of the district's commitment to provide a healthy and productive environment for all employees (including staff, applicants for employment, both paid and unpaid interns, part-time, seasonal and temporary workers, regardless of immigration status) and others in the school environment conducting business with the district (i.e., contractors, subcontractors, vendors, consultants, persons providing services pursuant to a contract and their employees) (another or others in the school environment) that promotes respect, dignity and equality.

Sexual Harassment Defined

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

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment, or another person in the school environment's work or employment; or
2. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting an employee's employment, or another in the school environment's work or employment; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance, 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 harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes.

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. Unwelcome sexual advances, invitations or requests for sexual activity, including, but not limited to, those in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc. or when accompanied by an implied or overt threat concerning the target's work, employment or school evaluations, other benefits or detriments;
3. Unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (.e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. Any unwelcome communication that is sexually suggestive, sexually degrading or derogatory 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 or explicit, sexually

- degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. Unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, 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" or pantsing (pulling down someone's pants or swim 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 derogatory, 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 derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
 11. Unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.
 12. Other hostile actions taken against an individual because of that person's sex, sexual orientation, gender identity or expression, or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
 13. Any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading or derogatory, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
 - b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual's sex, gender expression or gender identity;
 - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex or gender

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the employee or others in the school environment did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside of the district, or outside the school setting if the harassment impacts the individual's education, employment or work in a way that violates their legal rights, including when employees or others in the school environment travel on district business, or when harassment is done by electronic means, including on social media.

Title VII/IX Officers

The Pine Plains Central School District's Title VII/IX Officers are Brian Timm, Janine Babcock, Gian Starr and Lindsey Lowry. They are charged with investigating and/or overseeing the investigation of sexual harassment complaints. They can be reached by calling 518-398-7181; by mail: Pine Plains Central School District, 2829 Church Street, Pine Plains, NY 12567 or by email at the following email addresses: b.timm@ppcsd.org, j.babcock@ppcsd.org, g.starr@ppcsd.org or l.lowry@ppcsd.org.

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. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

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 altered the conditions of the employee's or other individual'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 a 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

Any person who believes he or she has been the target of sexual harassment is strongly encouraged to report complaints as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint.

Any person who witnesses or is aware of sexual harassment in the school environment is also strongly encouraged to submit the complaint in writing using the attached form, Exhibit 9020.1-E; however, complaints may be filed verbally. In such cases, the supervisor or Title VII/IX Officer performing the intake of the complaint shall reduce the information to writing using the form.

Complaints should be filed with the Building Principal or one of the designated Title VII/IX coordinators.

Any school employee who receives a complaint of sexual harassment shall inform the complaining party of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or a Title VII/IX coordinator. Supervisory and managerial personnel are required to report complaints of sexual harassment received by staff, and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in retaliation.

In order to assist investigators, targets should document 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 target'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 students, other employees or others in the school environment.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title VII/IX coordinator or investigator 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 Principal or Title VII/IX coordinator 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. All persons involved in an

investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. The investigation shall be prompt and thorough, and shall be completed as soon as possible.

Upon receipt of a complaint, whether filed verbally or in writing, the Title VII/IX Officer shall promptly conduct an intake interview and explain the following options for resolution:

- Registering an informal complaint verbally or in writing; or
- Registering a formal complaint verbally or in writing; or
- Engaging in voluntary facilitated mediation to arrive at a resolution of the matter (this shall not be used when allegations involve sexual violence or sexual assault); or
- Placing the District on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

Informal complaints will be promptly reviewed and documented in writing by a Title VII/IX Officer, who shall issue a written report to the Superintendent within seven (7) calendar days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further action may include referring the matter to a Title VII/IX Investigator as if it had been filed as a formal complaint.

All formal complaints shall be received in writing or reduced to writing by a Title VII/IX Officer who shall, personally or by referring the matter to a designee on the Board's approval list

Immediately, but no later than two working days following receipt of a complaint, the Principal or Title VII/IX coordinator will begin an investigation or refer the matter to a Title VII/IX investigator to begin the investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action he/she wants taken in order to resolve the complaint. Refer the target, 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 target. If the target has not prepared written documentation, ask the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title VII/IX coordinator will complete a complaint form based on the verbal report (see Exhibit 9110.2-E).
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.) if any exist.
4. 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.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with or retaliates against the target, he/she will be subject to immediate disciplinary action.
6. 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. Employees may be required to cooperate, as needed, in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. 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.
- * Mediation is inappropriate if allegations include sexual assault in any form.
9. Employee/Other Individual in the School Environment Involvement and Notification
 - a. The Principal or Title VII/IX coordinator or investigator shall submit a copy of all investigation and interview documentation to the Superintendent within seven (7) days.
 - b. The investigator shall report back to both the target 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 target to report immediately if the

- objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
- c. The investigator shall notify the target 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 target of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees should be advised that they may also contact the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, and, in certain cases, local law enforcement authorities.

10. Create written documentation of the investigation, maintained in a secure and confidential location, containing:
 - a. A list of all documentation and other evidence reviewed, along with a detailed summary;
 - b. A list of names of those interviewed along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The final resolution of the complaint, together with any corrective action(s).

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.

If a complaint received by the Principal or Title VII/IX coordinator 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 Principal or Title VII/IX coordinator 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 Principal or Title VII/IX coordinator 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 Principal or Title VII/IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title VII/IX coordinator. 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 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.

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 target 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 target and the alleged harasser have the right to be represented by a person of their choice during sexual harassment investigations and hearings at their own expense, subject to applicable law and collective bargaining agreements.

C. External Remedies

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). The OCR can be contacted by telephone at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/>

howto.html.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The EEOC can be contacted by telephone at (800) 669-4000, online at <https://www.eeoc.gov/employees/howtofile.cfm>, info@eeoc.gov, or by at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202. The DHR can be contacted by telephone at (888) 392-3644, online at www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime. No district contract or collective bargaining agreement entered into after July 11, 2018 may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to court.

Nondisclosure Agreements

The district may include a nondisclosure agreement (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 21 days to consider any such nondisclosure provision before it is signed by the parties and shall have seven (7) days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, 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, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job-related or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

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:

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.

Other Individuals in the School Environment (i.e., contractors, subcontractors, vendors, consultants and other persons providing services to the district pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of district business.

Others: 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.

Training

All employees shall be informed of this policy in employee handbooks, if any, and on the district website. A poster summarizing the policy shall also be posted in a prominent location at each school. The district shall provide current employees with either a paper or electronic copy of the district's sexual harassment policy and regulations, and shall provide same to new employees before the employee starts his/her job.

All new employees shall receive training on about sexual harassment and this regulation at a new employee orientation or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees shall be provided training at least once a year regarding the district's commitment to a harassment-free learning and working environment. Principals, Title VII/IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on these policies, the implementing regulation and related legal developments.

Annual employee training programs shall be interactive and include: (1) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and NYS Division of Human Rights; (2) examples of conduct that is unlawful sexual harassment; (3) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (4) information concerning employees right to makes complaints and all available forums for investigating complaints; and (5) address the conduct and responsibilities of supervisors.

Principals in each school and program directors shall be responsible for informing staff on a yearly basis of the terms of the district s sexual harassment policies, 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 target.

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| Section | 9000 Personnel |
| Title | SEXUAL HARASSMENT COMPLAINT FORM |
| Code | 9110.02-E |
| Status | Active |

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for targets to report alleged incidents of sexual harassment. This form is intended to be used by employees.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form to the best of your ability and submit it to *[insert title, person or office designated; contact information for designee or office; how the form can be submitted]*. You will not be retaliated against for filing a complaint. If you are more comfortable reporting verbally or in another manner, the district should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: <https://www.ny.gov/programs/combating-sexual-harassment-workplace>.

For additional resources, visit: <https://www.ny.gov/programs/combating-sexualplace>

YOUR INFORMATION (for employees):

Your Name: _____

Home Address: _____

Home or Cell Phone: _____

Email Address: _____

Work Address (for employees): _____

Job Title (for employees): _____

Preferred Communication Method (please circle one): phone email mail in person

SUPERVISOR INFORMATION (for employees)

Immediate Supervisor s Name: _____

Supervisor s Title: _____ Work Phone: _____

Supervisor s Work Address:

COMPLAINT INFORMATION (for all persons making a complaint)

1. Your complaint of Sexual Harassment is made against:

Name:

Job Title (if an employee): _____

Work Location (if known): _____

Phone (if known):

Relationship to you (please circle one below):(for employees)

Supervisor / Subordinate / Co-Worker / Student / Other: _____

(Please use additional sheets of paper if the complaint is against multiple people.)

2. Please describe what happened and how it is affecting you and your work or education. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) and location(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ____ Yes ____ No

4. Please list the name and contact information (if known) of any witnesses or individuals who may have information related to your complaint:

The following question is optional, but may help the district's investigation.

5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the district?

Yes No

If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information:

Print Name: _____

Signature: _____

Date: _____

Instructions for the District

If you receive a complaint about alleged sexual harassment, you must follow the district's sexual harassment prevention policy by investigating the allegations through actions including:

- Speaking with the complainant
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible. Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the complainant (if the complainant is a student, also notify the parent/guardian) and the individual(s) against whom the complaint was made. This may be done via email.