HALDANE

Title: **Sexual Harassment of Students**
Code: 7551
Section: 7000 Students

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

Overview

The District is committed to creating and maintaining an environment which is free from discrimination and harassment. This policy addresses sexual harassment of students. It is just one component of the District's overall commitment to maintaining a discrimination and harassment-free educational and work environment.

Consistent with this commitment and in accordance with law and regulation, the District prohibits all forms of sexual harassment of students by any individual on school property and at school functions which, for purposes of this policy, means a school-sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place, including any event or activity that may take place virtually or in another state.

The District adopts this policy as part of its effort to provide for the prompt and equitable resolution of complaints of sexual harassment of students. The District will promptly respond to reports of sexual harassment of students, ensure that all investigations are conducted within a reasonably prompt time frame and under a predictable fair grievance process that provides due process protections, and impose disciplinary measures and implement remedies when warranted.

Inquiries about this policy may be directed to the District's Civil Rights Compliance Officer(s) (CRCO(s)), Title IX Coordinator(s), and/or the Dignity Act Coordinator(s) (DAC(s)).

What Constitutes Sexual Harassment

Sexual harassment is a form of sex discrimination and is unlawful. It includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender. Sexual harassment can occur between any individuals, regardless of their sex or gender.

Generally stated, sexual harassment consists of subjecting an individual to unwelcome conduct which is either of a sexual nature or which is directed at an individual because of that individual's sex.

This conduct may, among other things, have the purpose or effect of: creating an intimidating, hostile, or offensive environment; substantially or unreasonably interfering with a student's educational performance, opportunities, benefits, or well-being; or otherwise adversely affecting a student's educational opportunities. Petty slights or trivial inconveniences generally do not constitute harassing conduct.

Determinations as to whether conduct or an incident constitutes sexual harassment will be made consistent with applicable law and regulation, as well as any applicable District policy, regulation, procedure, or other document such as the District's Code of Conduct. The examples below are intended to serve as a general guide for individuals in determining what may constitute sexual harassment. These examples should not be construed to add or limit the rights that students possess as a matter of law.

<u>Examples of Sexual Harassment</u>

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

a. Unwanted physical acts of a sexual nature, such as:
    1. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body, or poking another person's body; and

    2. Rape, sexual battery, molestation, or attempts to commit these assaults.

b. Engaging in sexual conduct with an individual who is unable to consent due to age, use of drugs or alcohol, intellectual disability, or other

disability.

c. Unwanted sexual advances or propositions, such as:
    1. Demanding sexual favors of a student, insinuating that refusal to acquiesce to such favors will adversely affect a student's grades, references, academic or scholastic placement, and/or participation in extracurricular activities; and

    2. Subtle or obvious pressure for unwelcome sexual activities.

d. Verbal abuse or ridicule, including profanity, 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.

e. Asking or commenting about an individual's sexual activities.

f. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, and the status of being transgender.

g. Displaying or distributing pornographic or other sexually explicit materials (print or digital) such as magazines, pictures, cartoons, etc.

h. Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.

i. Unwelcome and/or offensive public displays of sexual or physical affection.

j. Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.

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.

Reporting Allegations of Sexual Harassment

In order for the District to enforce this policy, and to take corrective action as warranted, it is essential that students who believe that they have been a

victim of sexual harassment in the school environment, as well as any other person who has knowledge of or witnesses any possible sexual harassment, immediately report the alleged conduct or incident. Reports of sexual harassment may be made orally or in writing to any District employee including, but not limited to, a teacher, building principal, CRCO, Title IX Coordinator, or DAC.

All District employees who witness or receive an oral or written report of sexual harassment must immediately inform the CRCO. Failure to immediately inform the CRCO may subject the employee to discipline up to and including termination. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

Additionally, District employees must comply with reporting requirements in any other applicable District policy or document. Applicable policies or documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's Code of Conduct.

Grievance Process for Complaints of Sexual Harassment

The District will act to promptly, thoroughly, and equitably investigate all complaints, whether oral or written, of sexual harassment of students and will promptly take appropriate action to protect students from further sexual harassment.

Various District policies and documents address sexual harassment of students. These policies and documents may include: Policy #3420 -- Non-Discrimination and Anti-Harassment in the District; Policy #3421 -- Title IX and Sex Discrimination; Policy #7550 -- Dignity for All Students; and the District's Code of Conduct. All complaints will be handled in accordance with the applicable District policies and/or documents.

The determination as to which District policies and/or documents are applicable is fact specific, and the CRCO may work with other District staff such as the District's Title IX Coordinator(s) and/or DAC(s) to determine

which District policies and/or documents are applicable to the specific facts of the complaint.

If an investigation reveals that sexual harassment has occurred, the District will take immediate corrective action as warranted. This action will be taken in accordance with applicable law and regulation, as well as any applicable District policy, regulation, procedure, collective bargaining agreement, third-party contract, or other document such as the District's Code of Conduct.

Prohibition of Retaliatory Behavior (Commonly Known as "Whistle-Blower" Protection)

The District prohibits retaliation against any individual because the individual made a report or complaint, testified, assisted, or participated or refused to participate in an investigation, proceeding, or hearing related to a complaint of sexual harassment.

Complaints of retaliation may be directed to the CRCO. If the CRCO is unavailable, including due to a conflict of interest or other disqualifying reason, the report will be directed to another CRCO, if the District has designated another individual to serve in that capacity. If the District has not designated another CRCO, the Superintendent will ensure that another person with the appropriate training and qualifications is appointed to act as the CRCO.

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

Equal Educational Opportunities Act of 1974, 20 USC Section 1701 et seq.

Title IV of the Civil Rights Act of 1964, 42 USC Section 2000c et seq.

Title IX of the Education Amendments Act of 1972, 20 USC Section 1681 et seq.

34 CFR Parts 106 and 270

45 CFR Part 86

Civil Rights Law Section 40-c

Education Law Sections 10-18, 313, 2801, and 3201-a

New York State Human Rights Law, Executive Law Section 290 et seq.

8 NYCRR Section 100.2

9 NYCRR Section 466 et seq.

NOTE: Refer also to Policies #3410 -- Code of Conduct

#3420 -- Non-Discrimination and Anti-Harassment in the District

#3421 -- Title IX and Sex Discrimination

#7550 -- Dignity for All Students

#7553 -- Hazing of Students

District Code of Conduct

Adopted: 7/6/21

Adopted: **July 06, 2021**