

EMPLOYEE AND STUDENT FREEDOM FROM SEXUAL HARASSMENT

The Syosset Central School District Board of Education is committed to safeguarding the right of all employees and students to work and learn in an environment free from sexual harassment. The Board, consistent with State and Federal Law, therefore condemns all unwelcome behavior of a sexual nature which may impose a requirement of sexual cooperation as a condition of continued employment, academic or career advancement, or which may have the purpose or effect of creating an intimidating, hostile or offensive working and learning environment. The Board recognizes that sexual harassment can originate from a person of either sex against another person and from students, peers and supervisors.

It shall be a violation of this policy for any student or employee to harass another student or employee through conduct or communication of a sexual nature as defined by this policy. The School District will act to investigate all complaints of sexual harassment and individuals found guilty of such acts will be disciplined appropriately based on State and Federal Law and School District Authority. Supervisors who were aware of such inappropriate behavior will also be subject to disciplinary action if they did not intervene.

A procedure for filing a complaint charging sexual harassment will be established. Students and employees may file complaints with the District and information concerning their rights in respect to other appropriate State or Federal agencies will be made readily available.

The Superintendent of Schools or designee will establish procedures to implement this policy to carry out the intent of the Board as well as that of State and Federal authorities.

1. STATEMENT OF POLICY

Sexual harassment is a form of discrimination and is prohibited in this School District by law and by Board of Education Policy. It creates an intimidating, hostile and/or offensive environment that violates the rights of the individual. Notification of this policy and procedures will be made to all District employees and to the student body, and a copy of the policy will be in each Principal's office.

1.1 If a District employee or student suffers from sexual harassment caused by another District employee or student, and it is determined that such harassment has occurred, the individual(s) responsible will be subject to appropriate disciplinary action and those who supervise the individual will also be held responsible if they were aware of inappropriate behavior and did not intervene.

2. DEFINITIONS

2.1 "Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when:

- 2.1.1 submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
 - 2.1.2 submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting an employee's employment or a student's education; or
 - 2.1.3 the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or education environment.
- 2.2. School-related conduct that the district considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:
- 2.2.1 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;
 - 2.2.2 unwelcome sexual invitations or requests for sexual activity in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc.
 - 2.2.3 unwelcome and offensive public sexual display of affection, including kissing, making out, groping, fondling, petting, inappropriate touching of one's self or others, sexually suggestive dancing, and massages;
 - 2.2.4 any unwelcome communication that is sexually suggestive, sexually degrading 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.;
 - 2.2.5 unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual preference;
 - 2.2.6 unwelcome physical contact or closeness that is sexually suggestive, sexually degrading, 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.;

- 2.2.7 unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-flops," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
 - 2.2.8 unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or imply sexual motives or intentions;
 - 2.2.9 clothing with sexually obscene or sexually explicit slogans or messages;
 - 2.2.10 unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
 - 2.2.11 unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
 - 2.2.12 any other unwelcome gender or sexually orientated-based behavior that is offensive, degrading, intimidating, demeaning, or that is based on sexual stereotypes and attitudes.
- 2.3 For purposes of this Policy, action or conduct shall be considered "unwelcome" if the student or employee did not request or invite it and regarded the conduct as undesirable or offensive.

3. PROCEDURE FOR MAKING A COMPLAINT

- 3.1 Any person who believes he or she has been the victim of sexual harassment by a student, district employee or third party related to the school is required to report complaints as soon as possible after the incident in order to enable the district to effectively investigate and resolve the complaint. Victims are encouraged to submit the complaint in writing; complaints, however, may also be filed verbally.
- 3.2 Complaints should be filed with the Principal or the Title IX Officer/Coordinator.
- 3.3 Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or the Title IX Officer/Coordinator.

3.4 In order to assist investigators, victims should document the 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 victim's response to the harassment.

4. DISCIPLINARY ACTIONS

4.1 Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment may be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

4.1.1 Students: Disciplinary may range from a warning up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

4.1.2 Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

4.1.3 Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

4.1.4 Vendors: Penalties may range from a warning up to and including loss of district business.

4.1.5 Other Individuals: Penalties may range from a warning up to and including denial of future access to school property.

4.2 False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

5. RETALIATION PROHIBITED

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has 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, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

6. 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 shall 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 against the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, and to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints to individuals with a need to know in appropriate circumstances. The staff member responsible for investigating complaints shall discuss confidentiality standards and concerns with all complainants.

7. TRAINING

7.1 All students and employees shall be informed of this policy in student and employee handbooks and student registration materials. A poster summarizing the policy shall be posted in a prominent location at each school. All secondary school student body officers shall receive district training about the policy at the beginning of each school year.

7.2 All new employees shall receive information about the policy and procedures at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX Officer/Coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, procedures and related legal developments.

7.3 Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, 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 victim.

Ref: *Anti-Bullying and Harassment Policy*
Complaints and Grievances under Title IX, Section 504 of the Rehabilitation Act (Sec. 504) and the Americans with Disabilities Act (ADA) Policy

Revised 12/21/98

Revised 3/19/12