

**Putnam/Northern Westchester
Board of Cooperative Educational Services**



**SEXUAL HARASSMENT
HANDBOOK FOR EMPLOYEES AND
STUDENTS**

2017-2018

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SEXUAL HARASSMENT

Definitions

Sexual Harassment is defined as unwelcome conduct of a sexual nature or unwanted sexual advances, requests, sexual violence¹, sexual favors, and other inappropriate verbal, non-verbal, or physical conduct of a sexual nature occurring on school property or at a school-sponsored event, when:

- submission to that conduct is explicitly or implicitly made a condition of the individual's employment or education; or
- such conduct has the purpose or effect of substantially and unreasonably interfering with the individual's employment or education by creating an intimidating, hostile, or offensive environment.

Gender Based Harassment is defined as pervasive and/or severe conduct which may include acts of verbal, nonverbal or physical aggression, intimidation or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

¹ Prohibited sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the person's use of drugs or alcohol or an individual's intellectual or other disability.

FORMS OF SEXUAL HARASSMENT

SUBTLE:

- Pictures that are graphic, sexually explicit, degrading, or humiliating
- Jokes or comments with sexual overtones
- Suggestive behavior, obscene gestures, or insulting sounds
- Comments repeatedly emphasizing sexuality or the sexual identity of an individual

OBVIOUS:

- Requests for social or sexual encounters or favors
- Personnel decisions or educational decisions based on sexuality or sexual behavior
- Physical touching, fondling, pinching, or kissing
- Sexual assaults (e.g., rape)

FEDERAL LAWS PROHIBITING SEXUAL HARASSMENT

TITLE VII OF THE CIVIL RIGHTS ACT OF 1964:

Makes it an unlawful employment practice for an employer to discriminate against any individual with respect to his/her compensation, terms, conditions, or privileges of employment because of such individual's race, color, religion, sex, or national origin.

The federal regulations implementing Title VII state with regard to sexual harassment:

"Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment."

TITLE IX OF THE EDUCATION AMENDMENTS OF 1972:

States that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.

SECTION 1983 LIABILITY:

Provides recourse for an individual who has suffered a deprivation of his/her constitutional rights at the hands of persons acting under the "color of the law."

TYPES OF SEXUAL HARASSMENT

QUID PRO QUO HARASSMENT (means “this for that”)

Occurs when an authority figure explicitly or implicitly conditions employment and/or educational decisions upon the submission or rejection of unwelcome sexual conduct.

HOSTILE WORK ENVIRONMENT HARASSMENT:

Occurs when unwelcome sexual conduct unreasonably interferes with an individual's job performance or ability to participate in or benefit from an educational program or activity. This type of harassment usually consists of severe, persistent, or pervasive conduct sufficient to offend a reasonable person and adversely affect the employment atmosphere.

INVERSE HARASSMENT:

A third individual pursues a course of action based on the allegation that another party did submit to sexual pressure and did receive a position that the third party should have received.

GENDER BASED HARASSMENT:

Pervasive and/or severe conduct intended to demean a person or persons of another gender or treating a person of a certain gender differently in the workplace because of his or her gender.

WHO CAN BE A PERPETRATOR?

| <u>Perpetrator</u> | | <u>Victim</u> |
|--------------------|---------|---------------|
| Administrator | Against | Employee |
| Administrator | Against | Student |
| Administrator | Against | Third Party |
| Administrator | Against | Administrator |
| Employee | Against | Student |
| Employee | Against | Third Party* |
| Employee | Against | Employee |
| Student | Against | Student |
| Student | Against | Employee |
| Student | Against | Third Party* |
| Student | Against | Administrator |
| Third Party | Against | Employee |
| Third Party | Against | Student* |

*In the school environment or at a school event/activity.

Anyone can be the perpetrator. Sexual harassment by a person of the opposite gender is more typical although a person of the same sex as the harasser may experience sexual harassment. Every complaint must be given the same consideration throughout the employer's investigation process.

WHAT ARE THE SUBTLE INDICATORS?

Sexual harassment is an act of domination or violence. Sexual harassment is not about sensuality.

THE SEARCH FOR BOUNDARIES WHICH ARE NOT INTACT

Perpetrators search for a potential victim by initiating minor violations of the individual's personal boundaries and watch for the reaction or lack thereof from the targeted victim.

SUBTLE INVASIONS

The perpetrator may make subtle invasions of the intended victim's boundaries, such as:

- Leaning too closely.
- Incidental but, nonetheless, inappropriate touching.
- Strange looks or staring at body parts.
- Conversations that are too long and too personal.
- Too persistent in asking for attention or a date.

The perpetrator may use personal warmth, friendliness, compliments, special attention, assistance, or "counseling" to nurture a trust or bonding with the intended victim. Once the special relationship is established, the perpetrator makes sexual demands of the victim.

Harassment complaints may not need to be the result of a blatant act to be valid. Early in the process the victim may say that the perpetrator looks at him/her in a weird way or makes him/her feel very uncomfortable. Check for boundary violations. Early signs of subtle sexual harassment may not be at the level necessary to take disciplinary action but can be important in making interventions that preclude further more serious types of harassment.

HELPING STUDENTS DISTINGUISH

FRIENDSHIP/FLIRTING

I feel liked!
I feel respected!
I feel attractive!
I feel happy!
I feel confident!
I love coming to school!
I feel like being with others!

SEXUAL HARASSMENT

I feel sad!
I feel angry!
I feel helpless!
I feel ashamed!
I feel embarrassed!
I don't want to go to school!
I want to avoid others!

WHAT SHOULD A VICTIM DO?

Tell the harasser that you dislike the activity/behavior and expect it to stop. **NO MEANS NO!** If you do not feel comfortable confronting the harasser, ask your teacher, teaching assistant supervisor or building administrator to help make the harasser aware of the need to stop the unwelcome sexual behavior.

Keep a written record of all harassing acts.

Tell your friends/colleagues about the problem so they can observe and, if necessary, corroborate your claims.

Make sure that administration is aware that you have been sexually harassed.

SUBJECT: SEXUAL HARASSMENT OF BOCES PERSONNEL

The Board affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against BOCES personnel by employees, school volunteers, students, and non-employees, such as contractors and vendors, which occur on school grounds and at all school-sponsored events, programs, or activities, including those that take place at locations off school premises.

Sexual Harassment

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.

Sexual harassment includes, but is not limited to, sexual violence. For the purposes 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 rapes, 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 third parties such as visitors and school volunteers.

Even in the absence of a formal complaint, if the BOCES has knowledge of or has reason to know of or suspect an occurrence of sexual harassment, the BOCES will investigate such conduct promptly and thoroughly.

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.

SUBJECT: SEXUAL HARASSMENT OF BOCES PERSONNEL (Cont'd.)

- 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.
- 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.

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the BOCES designated Civil Rights Compliance Officer. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the BOCES has designated an additional individual to serve in such capacity, or to the District Superintendent.

The BOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment. If the investigation indicates that the complaint is valid, the BOCES will promptly take appropriate action to protect individuals from further harassment. All such complaints will be handled in a manner consistent with the BOCES policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy # 2420- Non-Discrimination and Anti-Harassment in the BOCES.

SUBJECT: SEXUAL HARASSMENT OF BOCES PERSONNEL (Cont'd.)

Additional information regarding the BOCES discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy # 2420 - Non-Discrimination and Anti-Harassment in the BOCES.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that **harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender** and the District Superintendent of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to BOCES policy or regulation and/or pursuing other legal avenues of recourse.

However, even if a determination is made that harassment did not occur, the District Superintendent/designee reserves the right to initiate staff awareness and training, as applicable, to help ensure that the school community is not conducive to fostering harassment in the workplace.

In all cases, the District Superintendent will inform the Board of the results of each investigation involving a finding that harassment did not occur.

Privacy Rights

As part of the investigation, the BOCES has the right to search all school property and equipment including BOCES computers. Although rooms, desks, cabinets, lockers, computers, etc. are provided by the BOCES for the use of students and staff, the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, 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 BOCES has designated another individual to serve in such a capacity, or to the District 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.

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

SUBJECT: SEXUAL HARASSMENT OF BOCES PERSONNEL (Cont'd.)

Section 2000e et seq.
Title IX of the Education Amendments of 1972,20
USC Section 1681 et seq.
34 CFR Section 100 et seq.

Adopted: 1/29/04
Revised: 11/29/05
Revised: 6/26/07
Revised: 6/23/09
Revised: 4/25/12
Revised: 4/22/15

Administrative Regulation Sexual Harassment

Definitions:

Employee shall mean all teaching, administrative, and support personnel.

Immediate supervisor shall mean the person to whom the employee is directly responsible (Supervisor, Building Principal or Program Administrator).

Compliance Officer(s) shall mean the Assistant Superintendent for Administration or designee whose role it is to coordinate compliance in regard to sexual harassment.

Procedures

Employees who believe they have been subjected to sexual harassment are to report the incident to their immediate supervisor. Should the immediate supervisor be the alleged harasser, the report shall be made to the Compliance Officer(s). Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

All reports of sexual harassment will be held in confidence subject to all applicable laws.

The following procedures shall be employed in handling any report, investigation, and remedial action concerning allegations of sexual harassment:

Informal Complaints

Employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the appropriate supervisor. The purpose of such a meeting will be to discuss allegations and remedial steps available. The supervisor will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations, the supervisor is to obtain a written assurance that the unwelcome behavior will stop. Depending on the severity of the charges, the supervisor may recommend that further disciplinary action be taken.

Thereafter, the supervisor is to prepare a written report of the incident and inform the complainant and the accused of the findings and resolution in writing. The complainant may be asked to indicate on the supervisor's report whether or not s/he is satisfied with the resolution.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The supervisor is to inform the complainant to report any recurrence of harassment or any retaliatory action that might occur. The

supervisor's final report is to be filed with the Compliance Officer(s).

Should the complainant be dissatisfied with the resolution, he/she is to file a formal written complaint with the Compliance Officer(s).

If, during the supervisor's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he/she will refrain from the unwelcome behavior, the supervisor is to file a report with the Compliance Officer(s). The report is to indicate the nature of the complaint, a description of what occurred when the supervisor informed the alleged harasser of the allegations against him/her, the harasser's response to the allegations, and a recommendation that stronger corrective measures be taken. This report should be accompanied by a formal complaint.

Should the alleged harasser deny the allegations, the supervisor is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The supervisor will file a report with the Compliance Officer(s) on what has transpired to date. If the complainant submits a formal complaint, a copy of it should accompany the supervisor's report with a recommendation for further action.

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of sexual harassment or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the supervisor originally consulted, who will then forward it to the Compliance Officer(s).

The formal written complaint will consist of any appropriate forms and a copy of any applicable supervisor reports. The appropriate forms solicit the specifics of the complaint, e.g. date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

Investigating a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough, and impartial investigation of the allegations must follow. This investigation is to be conducted diligently. Complainants and accused persons are to be notified of the outcome of the investigation.

Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment. When applicable, any lost employment benefits or opportunities will be restored to the victims.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action.

If the investigation reveals that no sexual harassment has occurred or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the District Superintendent or designee. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate supervisory personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

Investigation in the Absence of a Complaint

The District Superintendent will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals upon learning of or having reason to suspect, the occurrence of any sexual misconduct.

SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The BOCES affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, prohibits all forms of sexual harassment against students by other students, employees, school volunteers, and non-employees such as contractors and vendors, which occur on BOCES grounds and at all BOCES-sponsored events, programs or activities, including those that take place at locations off BOCES premises.

Sexual Harassment

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct or communication of a sexual nature. For the purposes of this policy, sexual harassment also includes sexual violence. 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, but is not limited to: 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, BOCES employees, or third parties such as visitors or school volunteers.

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 bribe 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 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.

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SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

- g) Unwelcome staring, leering or gesturing which is sexually suggestive in nature.
- 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) Demanding sexual favors of a student, insinuating that refusal to acquiesce in such favors will adversely affect a student's grades, references, academic/scholastic placement, and/or participation in extracurricular activities.
- k) 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.
- l) Any other unwelcome and unwanted sexually oriented and /or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.

Investigation of Complaints and Grievances

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any student who believes he/she has been a victim of sexual harassment in the school environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, should immediately report such alleged harassment. The BOCES recognizes that sexual harassment is a sensitive issue and that students may choose to inform any trusted staff member of suspected discrimination or harassment. Staff members who receive such complaints will immediately inform the Civil Rights Compliance Officer. Where appropriate, the Civil Rights Compliance Officer may seek the assistance of the relevant Dignity Act Coordinator in investigating, responding to, and remedying student complaints of discrimination and/or harassment. In the event that the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the BOCES has designated an additional individual to serve in such capacity, or to the District Superintendent.

The BOCES will act to promptly, thoroughly, and equitably investigate all complaints, whether verbal or written, of sexual harassment and will promptly take appropriate action to protect individuals from further sexual harassment. All such complaints will be handled in a manner consistent with the BOCES policies, procedures, and /or regulations regarding the investigation of discrimination and harassment complaints, including Policy # 2420 - Non-Discrimination and Anti-Harassment in the BOCES.

Additional information regarding the BOCES discrimination and harassment complaint and grievance procedures, including but not limited to the designation of the Civil Rights Compliance Officer, knowingly making false accusations, and possible corrective actions, can be found in Policy # 2420 - Non-Discrimination and Anti-Harassment in the BOCES.

(Continued)

SUBJECT: SEXUAL HARASSMENT OF STUDENTS (Cont'd.)

Privacy Rights

As part of the investigation, the BOCES has the right to search all school property and equipment including BOCES computers. Although room, desks, cabinets, lockers, computers, etc. are provided by the BOCES for the use of staff and students, the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

Prohibition of Retaliatory Behavior

The Board prohibits any retaliatory behavior directed against complainants, victims, 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 BOCES has designated another individual to serve in such a capacity, or to the District 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.

Civil Rights Act of 1991
42 USC Section 1981(a)
Title IX of the Education Amendments of 1972,
20 USC Section 1681 et seq.
34 CFR Section 100 et seq.
29 Code of Federal Regulations (CFR) Section 1604.11(a)
Education Law Section 2801(1)
OCR Dear Colleague Letter, April 4, 2011

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Revised: 4/25/12
Revised: 6/17/13
Revised: 4/22/15
Revised: 1/17/17

Administrative Regulation Student Sexual Harassment

These procedures will apply to harassment of a sexual nature: student to student, student to BOCES employee, BOCES employee to student. Conduct will be considered sexual harassment when it becomes severe or pervasive enough to negatively affect the student or his/her learning environment. The following are some examples of sexual harassment experience in school that may be grounds for complaint:

- Comments, jokes, innuendos, gestures or looks of a sexual or lewd nature, references to gender, or name calling;
- Unwelcome physical contact, such as touching, grabbing, pinching in a sexual way, being intentionally brushed up against or blocked in a sexual way, having clothing pulled at, being forced to kiss someone or do something other than kissing;
- Inappropriate exposure, such as flashing or mooning, or being spied on while dressing or showering;
- Verbal messages, such as sexual rumors or requests for sexual favors, sexually offensive media which is printed, posted, or worn, such as pictures, photographs, illustrations, notes, or graffiti.

Definitions

Student shall mean a person enrolled in the BOCES educational program.

Employee shall mean a person, regardless of title, assigned or appointed by the Board. Independent contractors who are on school property or who transport students are subject to this policy and procedures.

Program Administrator shall mean the head of the school program in which the student is enrolled or designee appointed by the Program Administrator. Should the Program Administrator be the alleged harasser, the Compliance Officer is the substitute for the Program Administrator.

Compliance Officer shall mean the Assistant Superintendent for Administration or designee whose role it is to coordinate compliance in regard to sexual harassment

Procedures

A student, parent of a student, or any BOCES employee who believes that a student has been subjected to sexual harassment shall report the incident to his/her Program Administrator or to the Compliance Officer. Incidents of sexual harassment may be reported informally or through the filing of a formal complaint.

All reports of sexual harassment will be held in confidence, subject to all applicable laws and any relevant provisions found in appropriate collective bargaining agreements. Consistent with federal and state law and all applicable revisions contained in the District's collective bargaining agreements, the following procedures shall be employed in handling any report, investigation, and remedial action concerning allegations of sexual harassment.

a. Informal Complaints

Any student, parent of a student, or BOCES employee who believes the student has been subjected to sexual harassment may request that an informal meeting be held with the Program Administrator. The purpose of such a meeting will be to discuss the allegations and remedial steps available. The Program Administrator will then promptly discuss the complaint with the alleged harasser. Should the harasser admit the allegations, the Program Administrator is to take appropriate actions to assure that the unwelcome behavior will stop. Depending on the severity of the charges, the Program Administrator may take or recommend further disciplinary action.

Thereafter, the Program Administrator is to prepare a written report of the incident and inform the complainant of the actions taken to assure that the unwelcome harassment will stop. The Program Administrator's report will be forwarded to the Compliance Officer for the purpose of post-remedial action and periodic review.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However, the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The Program Administrator will inform the complainant that he/she should report any recurrence of the harassment or any retaliatory action.

Should the complainant be dissatisfied with the resolution, a formal written complaint may be filed.

Should the alleged harasser deny the allegations, the Program Administrator is to inform the complainant of the denial and state that a formal written complaint will be required for further formal investigation. The Program Administrator will file a report within five school days with the Compliance Officer on what has transpired to date. If the complainant submits a formal written complaint, a copy of it should accompany the Program Administrator's report with a recommendation for further action.

b. Formal Written Complaint

Formal written complaints may be submitted either to initially report any incident of sexual harassment or as a follow up to an unsatisfactory resolution of an informal attempt to resolve a complaint. In the latter case, the formal written complaint is to be submitted to the Program Administrator who will then forward it

to the Compliance Officer(s)

c. Investigating a Complaint

Upon receipt of a formal or informal complaint, a prompt, thorough, and impartial investigation of the allegations must follow. The complainant is to be notified of the outcome of the investigation.

d. Remedial Action

Following a finding that sexual harassment of a student by an employee has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law and collective bargaining agreements. Depending on the gravity of the misconduct, these may range from a reprimand up to and including dismissal from employment.

Following a finding that sexual harassment of a student by a student or an employee by a student has occurred, appropriate discipline will be imposed consistent with applicable law. Depending on the gravity of the misconduct, these may range from a reprimand up to and including suspension/expulsion.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law. If it is determined that any individual intentionally provided false information regarding the complaint, appropriate action may be taken against that individual.

Following a finding that no sexual harassment has occurred or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal to the District Superintendent and, ultimately, to the Board of Cooperative Educational Services. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

e. Post-Remedial Action

Following a finding of sexual harassment, victims will be periodically interviewed by the appropriate personnel to ensure that the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue for an appropriate period of time. A report will be made of any victim's response.

f. Investigation in the Absence of a Complaint

The District Superintendent will, in the absence of a complaint, ensure that an investigation is commenced by the appropriate individuals upon learning of or having reason to suspect the occurrence of any sexual misconduct.

SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name and position of complainant _____

Date of complaint _____

Name of alleged sexual harasser _____

Date and place of incident _____

Description of misconduct _____

Name of witnesses (if any) _____

Has the incident been reported before? _____

If yes, when? _____ To whom? _____

SEXUAL HARASSMENT COMPLAINT APPEAL FORM

Name and position of complainant _____

Date of appeal _____

Date of original complaint _____

Have there been any prior appeals? _____

If yes, _____ To whom? _____
when? _____

Description of decision being appealed _____

Why is decision being appealed? _____

What was the resolution? _____

Reasons for dissatisfaction _____

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