

**SEXUAL HARASSMENT**

**Section I: Sexual Harassment Policy Enforcement**

**A. Procedure For Employees**

Each supervisor has an affirmative duty to maintain his or her work place free from sexual harassment. Each supervisor shall discuss this policy with all employees and assure them that they are not required to endure insulting, degrading, or exploitative conduct of a sexual nature.

- (1) **Informal Procedure.** The District encourages employees who believe they are being harassed to clearly and promptly notify the offender that his or her behavior is unwelcome. If for any reason an individual does not wish to confront the offender directly or if such a confrontation does not successfully end the harassment, the individual should notify his or her supervisor, a school Principal, the Superintendent of Schools, or the President of the Board of Education. If notification is made to anyone other than the Superintendent of Schools, then the recipient of said notification shall immediately inform the Superintendent of Schools of the allegation of sexual harassment (unless the allegation of sexual harassment is made against the Superintendent in which case the recipient of said notification shall immediately inform the President of the Board).

The informal procedure should be flexible and the best course of action in any case will depend on various factors. However, an individual reporting sexual harassment should be aware that the District may decide it is necessary to take action to address the harassment beyond an informal discussion.

- (2) **Formal Procedure.** The following steps should be followed to make a formal complaint about sexual harassment.

- (a) **Notification:** An individual who believes he or she has been subjected to sexual harassment should report the incident to his or her supervisor, a school Principal, the Superintendent of Schools, or the President of the Board of Education. The complaint should be in writing. In the case of a report made to anyone other than the Superintendent of Schools, the recipient of the complaint shall file the complaint with the Superintendent of Schools immediately (unless the allegation of sexual harassment is made against the Superintendent in which case the recipient of said notification shall immediately inform the President of the Board).

(b) Description of Misconduct: An accurate record of allegedly objectionable behavior is necessary to resolve a complaint of sexual harassment. All oral allegations of sexual harassment must be reduced to writing by either the complainant or the recipient of the complaint.

(c) Time for Reporting a Complaint: Prompt reporting of complaints is strongly encouraged. While no time limits for filing complaints are contained in this policy, the accurate resolution of sexual harassment complaints will be expedited by timely filing of claims. Further, a complainant should be aware that applicable statutes of limitations do constrain the time for instituting outside legal action.

(d) Protection against Retaliation: The District will not retaliate against any individual who files a sexual harassment complaint in good faith. Retaliation is a very serious violation of this policy and should be reported immediately. Any employee or agent of the District found to have retaliated against an individual for good faith reporting of sexual harassment will be subject to appropriate disciplinary action up to and including discharge from employment.

3. The district will promptly investigate all allegations of sexual harassment in as confidential and sensitive a manner as possible.
4. The individual submitting a complaint of sexual harassment and the alleged harasser shall be notified of the results of the investigation.
5. Any supervisor, agent, or other employee who is found, after appropriate investigation, to have engaged in sexual harassment, will be subject to appropriate disciplinary action, up to and including discharge from employment.

**B. Procedure For Students**

(1) Informal Procedure. The District encourages students who believe they are being harassed to clearly and promptly notify the offender that his or her behavior is unwelcome. If for any reason a student does not wish to confront the offender directly, or if such a confrontation does not successfully end the harassment, the student should notify his or her building Principal. Any student who is uncomfortable for any reason in bringing the matter to the attention of his or her building Principal should report the matter to the Superintendent of Schools, or if that is not deemed possible, to the President of the Board of Education. If notification is made to anyone other than the Superintendent of Schools, then the recipient of said notification shall immediately inform the Superintendent of Schools of the allegation of sexual harassment (unless the allegation of sexual

harassment is made against the Superintendent in which case the recipient of said notification shall immediately inform the President of the Board).

The informal procedure should be flexible and the best course of action in any case will depend on various factors. However, a student reporting sexual harassment should be aware that the District may decide it is necessary to take action to address the harassment beyond an informal discussion.

(2) Formal Procedure. The following steps should be followed to make a formal complaint about sexual harassment.

(a) Notification: A student who believes he or she has been subjected to sexual harassment by any employee, agent or other student of the Broadalbin-Perth Central School District should report the incident to his or her building Principal. Any student who is uncomfortable for any reason in bringing the matter to the attention of his or her building Principal should report the matter to the Superintendent of Schools, or if that is not deemed possible, to the President of the Board of Education. In the case of a report made to anyone other than the Superintendent of Schools, the recipient of the complaint shall give notice of the complaint to the Superintendent of Schools immediately (unless the allegation of sexual harassment is made against the Superintendent in which case the recipient of said notification shall immediately inform the President of the Board). Students are permitted to be accompanied by a friend, relative, guardian or parent when making a claim of sexual harassment. If a parent of a student of the District believes that his/her son/daughter has been subjected to sexual harassment, then (s)he should follow the above referenced reporting procedure.

(b) Description of Misconduct: An accurate record of allegedly objectionable behavior is necessary to resolve a complaint of sexual harassment. All allegations of sexual harassment must be reduced to writing by either the complainant or the recipient of the complaint.

(c) Time for Reporting a Complaint: Prompt reporting of complaints is strongly encouraged. While no time limits for filing complaints are contained in this policy, the accurate resolution of sexual harassment complaints will be expedited by timely filing of claims. Further, a complainant should be aware that applicable statutes of limitations do constrain the time for instituting outside legal action.

(d) Protection against Retaliation: The District will not retaliate against any student who files a sexual harassment complaint in good faith. Retaliation is a very serious violation of this policy and should be reported immediately. Any employee, agent or student of the District found to have retaliated against a student for good faith reporting of sexual harassment will be subject to appropriate

disciplinary action, up to and including discharge from employment for employees and agents, and up to and including suspension for students in accordance with the New York State Education Law.

1. The School District will promptly investigate all allegations of sexual harassment in as confidential and sensitive a manner as possible.
2. The student submitting a complaint of sexual harassment and the alleged harasser shall be notified of the results of the investigation.
3. Any supervisor, administrator, teacher, employee, agent or student of the District found to have engaged in sexual harassment of any student shall be subject to appropriate disciplinary action, up to and including discharge from employment for employees and agents, and up to and including suspension from school for students in accordance with the New York State Education Law.

C. **Appeal**

Any employee or student who wishes to appeal investigation results that there is or is not sexual harassment may do so within ten (10) school days of receipt of those results. Such appeal must be made in writing to the Board of Education or its designee. The employee or student shall be entitled to present evidence as to why the investigation results are incorrect. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the Board of Education or its designee shall render a decision. This decision shall be final and binding.

**Section II: Questions**

Any questions by employees or students of the District about this policy or potential sexual harassment should be brought to the attention of the Superintendent of Schools, or other persons listed above.

Any questions regarding sexual harassment and compliance with Title IX of the Education Amendments of 1973 may also be brought to the attention of the Office of Civil Rights, Department of Education, Washington D.C. 20202.