

## SEXUAL HARASSMENT POLICY

### Section 1: Purpose

- A. It is the policy of the Broadalbin-Perth Central School District that sexual harassment of employees, applicants for employment, or students in any form is unacceptable conduct. The purpose of this policy is to clearly state the District's position on this issue; to notify all employees and students of the kinds of activities which constitute improper sexual harassment; and to provide a procedure whereby any employee or student who believes he or she is the victim of sexual harassment can submit a complaint which will be investigated by the District.
- B. This policy shall also constitute the Grievance Procedure required by Title IX of the Education Amendments of 1972 for complaints of gender discrimination within educational institutions receiving federal financial assistance.

### Section 2: Definition

- A. Sexual Harassment in the Workplace. Harassment on the basis of sex is a violation of State and Federal law. Unwelcome sexual advances, requests for sexual favors, and/or 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 the 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.  
  
Sexually harassing conduct in the work place, whether committed by supervisors or non-supervisory personnel, is prohibited. Such prohibited conduct includes but is not limited to: (1) unwelcome sexual flirtations, advances or propositions; (2) verbal or written abuse of a sexual nature; (3) graphic verbal comments about an individual's body; (4) sexually degrading words used to describe an individual; and, (5) the display in the work place of sexually suggestive objects or pictures.
- B. Sexual Harassment of and/or Between Students. Sexual harassment of students consists of verbal or physical conduct of a sexual nature, by an employee, agent, or another student of the District that denies, limits, or conditions the provision of aid, benefits, services, or treatment protected under Title IX of the Education Amendments of 1972 on the basis of sex. Unwelcome sexual advances, requests for sexual favors, and/or 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 education; or (2) such conduct has the purpose or effect of unreasonably interfering with the individual's education or creating an intimidating, hostile or offensive environment. Such actions include, but are not limited to the following conduct directed at students: (1) unwelcome sexual flirtations, advances or propositions; (2) verbal or written abuse of a sexual nature; (3) graphic verbal comments about the student's body; (4) sexually degrading words used to describe a student; and, (5) unwelcome and non-consensual physical touching of a sexual nature.

Given the special nature of the relationship between students and employees of the District, extreme caution should be exercised by employees of the District to avoid any situation involving comments of a sexual nature, particularly in the presence of students. It is recognized that discussions involving sexual relations and the human body are part of mandated curriculum in certain areas (e.g., health education) and are, therefore, not restricted by this policy. Nonetheless, there is no conflict between this policy and the mandates of the district's curriculum. Thus, the teaching of the District's curriculum will not necessarily constitute a defense to a charged violation of this policy.

### **Section 3: Policy**

- A. The Broadalbin-Perth Central School District regards sexual harassment as a very serious matter. Accordingly sexual harassment by any employee or agent of the District of any employee or agent of the District, or applicant for employment is hereby prohibited.
- B. It is the policy of the Broadalbin-Perth Central School District that all students be free from sexual harassment in the classroom and school environment. Therefore, sexual harassment of student is expressly prohibited. This policy also applies to conduct between students.

### **Section 4: Investigation, Reporting, Training, and Posting**

- A. The Superintendent of Schools is directed to develop and implement regulations for reporting investigating, and remedying allegations of sexual harassment. The administrative regulations shall be listed as 3.5A and located adjacent to policy 3.5. In addition, training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.
- B. The policy shall be posted in a prominent place in each district facility and shall also be published in student agenda books, employee handbooks, the District website and other appropriate school publications.

### **Reference:**

Education Amendments of 1972, Title IX, 20 US U.S.C.&1681 et seq.  
Title VII of Civil Rights Act (1964) 42 U.S.C &2000-e;34 CFR &100 et seq.

Davis v. Monroe County Board of Education, \_\_\_ U.S. \_\_\_, 119 S.Ct.1661 (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. Gwent County Schools, 503 U.S. 60 (1992)  
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)  
Education Law & §313(3)  
Executive Law & §290 et seq.