

THREE VILLAGE CENTRAL SCHOOL DISTRICT

GOALS AND OBJECTIVES

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MISSION STATEMENT

The Board of Education recognizes that to govern effectively, it must clearly define why the District exists and what it aspires to be. The Board therefore adopts the following mission statement to convey the District's purpose

Mission Statement

The mission of the Three Village Central School District, in concert with its families and community, is to provide an educational environment which will enable each student to achieve a high level of academic proficiency and to become a well-rounded individual who is an involved, responsible citizen.

Adoption Date: December 1991

Revised: March 1996
 December 11, 2001
 May 26, 2009
Reviewed: November 29, 2023

EQUAL OPPORTUNITY

The Board of Education, its officers and employees, will not discriminate in its programs and activities on the basis of legally protected classes, such as, but not limited to: race (including traits historically associated with race, such as hair texture and protective hairstyles like braids, locks, and twists), color, national origin, creed, religion (including religious practices), marital status, sex (including pregnancy, childbirth, or related medical condition), gender identity and expression (i.e., actual or perceived gender-related identity, appearance, behavior, expression, or other gender-related characteristic regardless of the sex assigned to that person at birth, including but not limited to the status of being transgender), age, sexual orientation, disability (physical or mental), predisposing genetic characteristic, military work or status, domestic violence victim status, citizenship/immigration status, or use of a guide dog, hearing dog, or service dog, as applicable. The District will provide notice of this policy in accordance with federal and state law and regulation.

This policy of nondiscrimination includes access by students to educational programs, counseling services for students, course offerings, and student activities, as well as recruitment and appointment of employees and employment pay, benefits, advancement and/or terminations.

Employees also have protections under state law against discrimination on the basis of their familial status, reproductive healthcare decisions (their own or their dependents) and certain prior criminal history.

Specific protections for students under the Dignity for All Students Act are addressed in policy 0115, Student Bullying and Harassment Prevention and Intervention. The district will follow the guidance from the State Education Department on creating a safe, supportive, and affirming school environment for transgender and gender-expansive students.

As a condition of participation in federal meal programs, the District will post the following statement: “In accordance with federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex (including gender identity and sexual orientation), disability, age, or reprisal or retaliation for prior civil rights activity.” Discrimination complaint information is available at <https://www.fns.usda.gov/civil-rights/usda-nondiscrimination-statement-other-fns-programs>.

A finding that an individual has engaged in conduct in violation of this policy may result in disciplinary action and/or filing of a report with third parties in the manner prescribed by the District Code of Conduct, the law or applicable contract.

Nothing in this policy will be construed to prohibit a denial of admission into, or exclusion from, a course of instruction or activity based on a person’s gender that would be permissible under the law, or to prohibit, as discrimination based on disability, actions that would be permissible under the law.

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Annual Notification

At the beginning of each school year, the District will publish a notice of the established grievance procedures for resolving complaints of discrimination to parents/guardians, employees, students and the community. The public notice will:

1. inform parents, employees, students and the community that education programs, including but not limited to vocational programs, are offered without regard to actual or perceived race, color, weight, national origin, ethnic group, religion, religious practice, disability, sex; sexual orientation, or gender (including gender identity and expression);
2. provide the name, address and telephone number of the person designated to coordinate activities concerning discrimination; and
3. be included in announcements, bulletins, catalogues, and applications made available by the District.

All complaints of discrimination and harassment made by employees and applicants are addressed by the process outlined in policy 0110.2, Sexual Harassment in the Workplace. Complaints of discrimination and harassment by students are addressed by the process outlined in policy 0115, Student Bullying and Harassment Prevention and Intervention.

All complainants and those who participate in the investigation of a complaint in conformity with state law and District policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

The Board authorizes the Superintendent of Schools to establish such rules, regulations and procedures necessary to implement and maintain this policy.

Cross-ref :

0110 .2 , Sexual Harassment in the Workplace
0115, Student Bullying and Harassment Prevention and Intervention
5030, Student Complaints and Grievances
5300, Code of Conduct

Ref :

Age Discrimination in Employment Act of 1967 29 U.S.C. §§621 et seq.
Americans with Disabilities Act, 42 U.S.C. §12101 et seq.
Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d et seq.
Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e et seq .
Title IX, Education Amendments of 1972, 20 U.S.C. §1681 et seq.
§504, Rehabilitation Act of 1973, 29 U.S.C. §794
Individuals with Disabilities Education Law, 20 U.S.C §§ 1400 et seq .

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Executive Law §290 *et seq.* (New York State Human Rights Law)

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Education Law §§313(3), 3201; 3201-a

Genetic Information Nondiscrimination Act of 2008 P.L. 110-233

34 C.F.R. §§ 100.6; 104.8; 106.9; 110.25

Education Law §§10-18 (The Dignity for All Students Act)

ADA Best Practices Tool Kit for State and Local Governments, Website Accessibility Under Title II of the ADA (see Chapter 5 and Chapter 5 Addendum checklist), www.ada.gov/pcatoolkit/toolkitmain.htm

Creating a Safe, Supportive, and Affirming School Environment for Transgender and Gender Expansive Students: 2023 Legal Update and Best Practices, <https://www.nysed.gov/sites/default/files/programs/student-support-services/creating-a-safe-supportive-and-affirming-school-environment-for-transgender-and-gender-expansive-students.pdf>

Adoption Date: December, 1991
Revised: January 27, 2009
January 25, 2023
September 13, 2023

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GENDER NEUTRAL SINGLE-OCCUPANCY BATHROOMS

The District hereby designates all single occupancy restrooms located in its schools as gender-neutral. Such gender-neutral restrooms shall be clearly designated with signage on or near the entry door of each facility. The District shall remove signage from any and all existing single-occupancy restrooms which designate the restroom as “male” or “female.” These signs shall be replaced with signage indicating the restroom is open to people of all genders. Existing single-occupant restrooms labeled as “unisex” may remain, and no additional signage is required.

All single-occupancy bathroom facilities in the district are designated as gender neutral. Signs designating gender neutral single-occupancy bathrooms must be posted on or near the entry door of that bathroom facility.

All single-occupant restrooms utilized by students in grades 6-12 shall have feminine hygiene products available. This requirement shall not apply to single-occupant restrooms designated for staff use only.

Ref: Education Law §409-m (single-occupancy bathrooms designated gender neutral)
Public Buildings Law §145(d)
N.Y. Public Health Law § 267

Adoption date:
March 10, 2021

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0110

SEXUAL HARASSMENT

Sexual harassment is against federal and state law. The Board is committed to maintaining an educational and working environment free from such harassment, and therefore prohibits sexual harassment of students and employees in the District. The District will establish detailed policies and regulations for both students and employees which address definitions, protections, prohibited behavior (including retaliation), prevention activities, training/education, complaint reporting, investigations, and consequences.

Cross-ref:

0110.1, Sexual Harassment of Students

0110.2, Sexual Harassment of Employees

Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*; 34 CFR 106 *et seq.*

Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

Education Law §§10-18 (Dignity for All Students Act)

Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)

Labor Law §201-g (required workplace sexual harassment policy and training)

Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

General Obligations Law §5-336 (nondisclosure agreements optional)

Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (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. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Cannon v. University of Chicago, 441 U.S. 677 (1979)

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*

Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*

Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

Adoption Date: October 10, 2000

Reviewed: October 30, 2008

Revised: September 26, 2018

October 17, 2018

July 8, 2020

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SEXUAL HARASSMENT OF STUDENTS

The Board of Education recognizes that harassment of students on the basis of actual or perceived sex, gender identity and expression, and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For the purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression... Sexual harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual's actual or perceived sex, sexual orientation, and/or gender identity and expression, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of a student's education;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting a student's education; or
- c. the conduct has the purpose or effect of unreasonably interfering with a student's school performance or creating an intimidating, hostile or offensive work or educational environment, even if the complaining individual is not the intended target of the sexual harassment;

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (0110.1-R).

The Board is committed to providing an educational environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the District, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when harassment is done by electronic means (including on social media).

Sanctions will be enforced against all those who engage in sexual harassment, or retaliation, and against District personnel who knowingly allow such behavior to continue.

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Sexual harassment may subject the District to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the reference section. The District's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The District will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the District will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the District finds that a person has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, District policy and state law.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a good faith belief that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial or privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, the Board directs that training programs be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy, or a simplified version, will be posted in a prominent place in each District facility, on the District's website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The Policy Committee will convene to review this policy's effectiveness as needed.

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Cross Ref: 0115, Harassment, Hazing and Bullying

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*, 34 CFR 106 *et seq.*
Education Law §§10-18 (The Dignity for All Students Act)
Davis v. Monroe County Board of Education, 526 U.S. 629, 652 (1999)
Gebser v. Lago Vista Independent School District, 524 U.S. 274 (1998)
Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)
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Adoption Date: October 10, 2000

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October 17, 2018

July 8, 2020

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SEXUAL HARASSMENT OF STUDENTS REGULATION

This regulation is intended to create and preserve an educational environment free from unlawful sexual harassment on the basis of actual or perceived sex, gender identity and expression, and/or sexual orientation, in furtherance of the District's commitment to provide a healthy and productive environment for all students that promotes respect, dignity and equality.

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's actual or perceived sex, gender, or sexual orientation, when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of 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. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile, or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

Unacceptable Conduct

School-related conduct that the District considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

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;

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2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc., or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments;
3. unwelcome and offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g. pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about individual's clothing, appearance, or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "rating lists"; howling, catcalls, and whistles; sexually graphic computer files, messages, or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual or orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, 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.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flipups", "pantsing" or "spiking" (pulling down someone's pants or swimming suit), pinching, placing hands inside an individual's pants, skirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or derogatory, or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's actual or perceived sex, sexual orientation, gender identity or expression, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;

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- b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual's actual or perceived sex, sexual orientation, and/or gender expression or identity;
- c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's actual or perceived sex, sexual orientation, or gender.

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student, did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the District, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when the harassment is done by electronic means (including social media).

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, persistent and/or pervasive, and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behaviors from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment;
2. the type, frequency, and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

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Reporting Complaints

Students who believe they been the target of sexual harassment related to the school setting are encouraged to report complaints as soon as possible after the incident in order to enable the District to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student is also encouraged to report the incident or behavior to the District. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator; however, students may go to any District employee with sexual harassment complaints.

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 coordinator.

In order to assist investigators, targets 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 target's response to the harassment.

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

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses; (*See "Retaliation Prohibited"*)
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation

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If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the harassment and preventing the harassment of others.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator will conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

As soon as possible, but no later than five working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action they want taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, instruct the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0110-E) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with, or retaliates against the target, he/she will be subject to immediate disciplinary action.

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6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
7. Review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
9. Involvement and Notification
 - a. Parents/guardians of student targets and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. If either the target or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
 - c. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
 - d. The investigator will report back to both the target and the accused, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator will instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
 - e. The investigator will notify the target that if they desire further investigation and action, they may request a District level investigation by contacting the Superintendent of Schools. The investigator will also notify the target of their right to contact the New York State Division of Human Rights or the U.S. Department of Education's Office for Civil Rights.
10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
 - a. A list of all documentation and other evidence reviewed, along with a detailed summary;
 - b. A list of names of those interviewed along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The final resolution of the complaint, together with any corrective action(s).

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If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who will then take prompt disciplinary action in accordance with District policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a District employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent will promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the District for investigation.

The District level investigation should begin as soon as possible but not later than five working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal District level investigation, the District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator

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will provide all parties with a written status report within 30 days following receipt of the complaint.

The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings.

External Remedies

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations shall be construed to limit the rights of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, 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, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates may be subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties and Consequences

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary and/or remedial action. Measures available to school authorities include, but are not limited to the following:

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

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

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

“Non-employees”: (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including limitation of future access to school property.

False Complaints

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

Training

All students and employees will be informed of this policy and regulation in student and employee handbooks, on the District website, and student registration materials. A poster summarizing the policy shall also 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.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment.

Building Principals are 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 target.

Revised: June 2001
 October 17, 2018
 July 8, 2020

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THREE VILLAGE CENTRAL SCHOOL DISTRICT SEXUAL HARASSMENT COMPLAINT FORM

New York State requires all employers to adopt a sexual harassment policy that includes a complaint form for individuals to report alleged incidents of sexual harassment. If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Building Principal or the Title IX Coordinator. Once you submit this form, the District must follow its sexual harassment policy and investigate any claims. If you are more comfortable reporting verbally or in another manner, we are still required to follow our sexual harassment policy by investigating the claims as outlined at the end of this form.

Name of Complainant:	Where did this alleged incident occur?
Home Address:	Work Address:
Home Phone/Cell Phone:	Work Phone:
Parent/Guardian (<i>if applicable</i>):	Immediate Supervisor's Name: Supervisor's Title: Supervisor's Phone:
Parent Guardian Home Phone/Cell Phone (<i>if applicable</i>):	
How do you prefer we communicate with you? <input type="checkbox"/> Email <input type="checkbox"/> Phone <input type="checkbox"/> In person If email, please indicate email address: _____	
Your complaint of Sexual Harassment is made against: _____	
Did this alleged incident result from the conduct of a student and/or employee? <input type="checkbox"/> Student(s) <input type="checkbox"/> Employee(s) <input type="checkbox"/> Unknown	
If employee, is employee your supervisor? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Please describe the specific nature or conduct of incident(s) that is the basis of this complaint and your reasons for concluding that the conduct is sexual harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence:	

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**THREE VILLAGE CENTRAL SCHOOL DISTRICT
SEXUAL HARASSMENT COMPLAINT FORM**

Dates the alleged sexual harassment occurred:
Is the sexual harassment continuing? <input type="checkbox"/> Yes <input type="checkbox"/> No
Please list the name and contact information of any witnesses or individuals that may have information related to your complaint (<i>attach additional paper if necessary</i>):
Have you previously complained or provided information (verbal or written) about sexual harassment against the individual named above? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, when and to whom did you complain or provide information?
Have you filed a claim regarding this complaint with a federal, state or local government agency? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, which federal, state or local government agency did you file a complaint: _____
Have you instituted a legal suit or court action regarding this complaint? <input type="checkbox"/> Yes <input type="checkbox"/> No
Have you hired an attorney with respect to this incident that is the subject of this particular complaint? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, what is the name and phone number of your attorney: _____

I request that the Three Village Central School District investigate this complaint of sexual harassment in a timely and confidential manner as outlined below, and advise me of the results of the investigation. I understand that those individuals authorized to investigate this matter may contact me for further information.

Signature of Complainant: _____ Date _____

Please be aware:

Once we receive a complaint about alleged sexual harassment, we must follow our sexual harassment policy by investigating the allegations through actions such as:

- Speaking with the student/employee
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

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SEXUAL HARASSMENT IN THE WORKPLACE

Purpose and Goals

The Three Village Central School District (“the District”) is committed to maintaining a workplace free from harassment and discrimination. Sexual harassment is a form of workplace discrimination that subjects an employee to inferior conditions of employment due to their gender, gender identity, gender expression (perceived or actual), and/or sexual orientation. Sexual harassment is often viewed simply as a form of gender-based discrimination, but the District recognizes that discrimination can be related to or affected by other identities beyond gender. Under the New York State Human Rights Law, it is illegal to discriminate based on sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, religion, citizenship/immigration status, military status, disability, pre-disposing genetic characteristics, familial status (including pregnancy, childbirth, or related medical condition), marital status, criminal history, or status as a victim of domestic violence. Our different identities impact our understanding of the world and how others perceive us. For example, an individual’s race, ability, or immigration status may impact their experience with gender discrimination in the workplace. While this policy is focused on sexual harassment and gender discrimination, the methods for reporting and investigating discrimination based on other protected identities are the same. The purpose of this policy is to teach employees to recognize discrimination, including discrimination due to an individual’s intersecting identities, and provide the tools to take action when it occurs. All employees, managers, and supervisors are required to work in a manner designed to prevent sexual harassment and discrimination in the workplace. This policy is one component of the District’s commitment to a discrimination-free work environment.

A. Goals of this Policy

Sexual harassment and discrimination are against the law. After reading this policy, employees will understand their right to a workplace free from harassment. Employees will also learn what harassment and discrimination look like, what actions they can take to prevent and report harassment, and how they are protected from retaliation after taking action. The policy will also explain the investigation process into any claims of harassment. Employees are encouraged to report sexual harassment or discrimination by filing a complaint internally with the District. Employees can also file a complaint with a government agency or in court under federal, state, or local antidiscrimination laws. To file an employment complaint with the New York State Division of Human Rights, please visit <https://dhr.ny.gov/complaint>. To file a complaint with the United States Equal Employment Opportunity Commission, please visit <https://www.eeoc.gov/filing-charge-discrimination>.

Sexual Harassment and Discrimination Prevention Policy

1. The District’s policy applies to all employees, applicants for employment, and interns, whether paid or unpaid. The policy also applies to additional covered individuals. It applies to anyone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the District. These individuals include

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2. persons commonly referred to as independent contractors, gig workers, and temporary workers. Also included are persons providing equipment repair, cleaning services, or any other services through a contract with the District. For the remainder of this policy, we will use the term “covered individual” to refer to these individuals who are not direct employees of the company.
2. Sexual harassment is unacceptable. Any employee or covered individual who engages in sexual harassment, discrimination, or retaliation will be subject to action, including appropriate discipline for employees. In New York, harassment does not need to be severe or pervasive to be illegal. Employees and covered individuals should not feel discouraged from reporting harassment because they do not believe it is bad enough, or conversely because they do not want to see a colleague fired over less severe behavior. Just as harassment can happen in different degrees, potential discipline for engaging in sexual harassment will depend on the degree of harassment and might include education and counseling. It may lead to suspension or termination when appropriate.
3. Retaliation is prohibited. Any employee or covered individual that reports an incident of sexual harassment or discrimination, provides information, or otherwise assists in any investigation of a sexual harassment or discrimination complaint is protected from retaliation. No one should fear reporting sexual harassment if they believe it has occurred. So long as a person reasonably believes that they have witnessed or experienced such behavior, they are protected from retaliation. Any employee of the District who retaliates against anyone involved in a sexual harassment or discrimination investigation will face disciplinary action, up to and including termination. All employees and covered individuals working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or the Assistant Superintendent for Human Resources. All employees and covered individuals who believe they have been a target of such retaliation may also seek relief from government agencies, as explained below in the section on Legal Protections.
4. Discrimination of any kind, including sexual harassment, is a violation of our policies, is unlawful, and may subject the District to liability for the harm experienced by targets of discrimination. Harassers may also be individually subject to liability and employers or supervisors who fail to report or act on harassment may be liable for aiding and abetting such behavior. Employees at every level who engage in harassment or discrimination, including managers and supervisors who engage in harassment or discrimination or who allow such behavior to continue, will be penalized for such misconduct.
5. The District will conduct a prompt and thorough investigation that is fair to all parties. An investigation will happen whenever management receives a complaint about discrimination or sexual harassment, or when it otherwise knows of possible discrimination or sexual harassment occurring. The District will keep the investigation confidential to the extent possible. If an investigation ends with the finding that discrimination or sexual harassment occurred, the District will act as required. In addition to any required discipline, the District will also take steps to ensure a safe work environment for the employee(s) who experienced the discrimination or harassment. All employees, including managers and supervisors, are required to cooperate with any internal investigation of discrimination or sexual harassment.

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6. All employees and covered individuals are encouraged to report any harassment or behaviors that violate this policy. All employees will have access to a complaint form to report harassment and file complaints. Use of this form is not required. For anyone who would rather make a complaint verbally, or by email, these complaints will be treated with equal priority. An employee or covered individual who prefers not to report harassment to their manager or employer may instead report harassment to the New York State Division of Human Rights and/or the United States Equal Employment Opportunity Commission. Complaints may be made to both the employer and a government agency.

Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Assistant Superintendent for Human Resources.

7. This policy applies to all employees and covered individuals, such as contractors, subcontractors, vendors, consultants, or anyone providing services in the workplace, and all must follow and uphold this policy. This policy must be provided to all employees in person or digitally through email upon hiring and will be posted prominently in all work locations. For those offices operating remotely, in addition to sending the policy through email, it will also be available on the organization's shared network.

What Is Sexual Harassment?

Sexual harassment is a form of gender-based discrimination that is unlawful under federal, state, and (where applicable) local law. Sexual harassment 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 is not limited to sexual contact, touching, or expressions of a sexually suggestive nature. Sexual harassment includes all forms of gender discrimination including gender role stereotyping and treating employees differently because of their gender.

Understanding gender diversity is essential to recognizing sexual harassment because discrimination based on sex stereotypes, gender expression and perceived identity are all forms of sexual harassment. The gender spectrum is nuanced, but the three most common ways people identify are cisgender, transgender, and non-binary. A cisgender person is someone whose gender aligns with the sex they were assigned at birth. Generally, this gender will align with the binary of male or female. A transgender person is someone whose gender is different than the sex they were assigned at birth. A non-binary person does not identify exclusively as a man or a woman. They might identify as both, somewhere in between, or completely outside the gender binary. Some may identify as transgender, but not all do. Respecting an individual's gender identity is a necessary first step in establishing a safe workplace.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment. Harassment does not need to be severe or pervasive to be illegal. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Every instance of harassment is unique to those experiencing it, and there is no single boundary between petty slights and harassing behavior. However, the Human Rights Law specifies that whether harassing conduct is considered petty or trivial is to be viewed from the standpoint of a reasonable victim of discrimination with the same protected characteristics.

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Generally, any behavior in which an employee or covered individual is treated worse because of their gender (perceived or actual), sexual orientation, or gender expression is considered a violation of the District's policy. The intent of the behavior, for example, making a joke, does not neutralize a harassment claim. Not intending to harass is not a defense. The impact of the behavior on a person is what counts. Sexual harassment includes any unwelcome conduct which is either directed at an individual because of that individual's gender identity or expression (perceived or actual), or is of a sexual nature when:

- The purpose or effect of this behavior unreasonably interferes with an individual's work performance or creates an intimidating, hostile or offensive work environment. The impacted person does not need to be the intended target of the sexual harassment;
- Employment depends implicitly or explicitly on accepting such unwelcome behavior; or
- Decisions regarding an individual's employment are based on an individual's acceptance to or rejection of such behavior. Such decisions can include what shifts and how many hours an employee might work, project assignments, as well as salary and promotion decisions.

There are two main types of sexual harassment:

- Behaviors that contribute to a hostile work environment include, but are not limited to, words, signs, jokes, pranks, intimidation, or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex, gender identity, or gender expression. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory, or discriminatory statements which an employee finds offensive or objectionable, causes an employee discomfort or humiliation, or interferes with the employee's job performance.
- Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions, or privileges of employment. This is also called quid pro quo harassment.

Any employee or covered individual who feels harassed is encouraged to report the behavior so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be discrimination and is covered by this policy.

A. Examples of Sexual Harassment

The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited. This list is just a sample of behaviors and should not be considered exhaustive. Any employee who believes they have experienced sexual harassment, even if it does not appear on this list, should feel encouraged to report it:

- Physical acts of a sexual nature, such as:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body, or poking another employee's body; or
 - Rape, sexual battery, molestation, or attempts to commit these assaults, which may be considered criminal conduct outside the scope of this policy (please contact local law enforcement if you wish to pursue criminal charges).

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- Unwanted sexual comments, advances, or propositions, such as:
 - Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion, or other job benefits;
 - Subtle or obvious pressure for unwelcome sexual activities; or
 - Repeated requests for dates or romantic gestures, including gift-giving.
- Sexually oriented gestures, noises, remarks or jokes, or questions and comments about a person's sexuality, sexual experience, or romantic history which create a hostile work environment. This is not limited to interactions in person. Remarks made over virtual platforms and in messaging apps when employees are working remotely can create a similarly hostile work environment.
- Sex stereotyping, which occurs when someone's conduct or personality traits are judged based on other people's ideas or perceptions about how individuals of a particular sex should act or look:
 - Remarks regarding an employee's gender expression, such as wearing a garment typically associated with a different gender identity; or
 - Asking employees to take on traditionally gendered roles, such as asking a woman to serve meeting refreshments when it is not part of, or appropriate to, her job duties.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace;
 - This also extends to the virtual or remote workspace and can include having such materials visible in the background of one's home during a virtual meeting.
- Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity, or gender expression, such as:
 - Interfering with, destroying, or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;
 - Sabotaging an individual's work;
 - Bullying, yelling, or name-calling;
 - Intentional misuse of an individual's preferred pronouns; or
 - Creating different expectations for individuals based on their perceived identities:
 - Dress codes that place more emphasis on women's attire;
 - Leaving parents/caregivers out of meetings.

B. Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. Harassment does not have to be between members of the opposite sex or gender. New York Law protects employees and all covered individuals described earlier in the policy. Harassers can be anyone in the workplace. A supervisor, a supervisee, or a coworker can all be harassers. Anyone else in the workplace can also be harassers including an independent contractor, contract worker, vendor, client, student, volunteer, parent, community member, board member, or visitor.

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Sexual harassment does not happen in a vacuum and discrimination experienced by an employee can be impacted by biases and identities beyond an individual's gender. For example:

- Placing different demands or expectations on black women employees than white women employees can be both racial and gender discrimination;
- An individual's immigration status may lead to perceptions of vulnerability and increased concerns around illegal retaliation for reporting sexual harassment; or
- Past experiences as a survivor of domestic or sexual violence may lead an individual to feel re-traumatized by someone's behaviors in the workplace.

Individuals bring personal history with them to the workplace that might impact how they interact with certain behavior. It is especially important for all employees to be aware of how words or actions might impact someone with a different experience than their own in the interest of creating a safe and equitable workplace.

C. Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer or industry sponsored events or parties. Calls, texts, emails, and social media usage by employees or covered individuals can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices, or during non-work hours.

Sexual harassment can occur when employees are working remotely from home as well. Any behaviors outlined above that leave an employee feeling uncomfortable, humiliated, or unable to meet their job requirements constitute harassment even if the employee or covered individual is at home when the harassment occurs. Harassment can happen on virtual meeting platforms, in messaging apps, and after working hours between personal cell phones.

Retaliation

Retaliation is unlawful and is any action by an employer or supervisor that punishes an individual upon learning of a harassment claim, that seeks to discourage a worker or covered individual from making a formal complaint or supporting a sexual harassment or discrimination claim, or that punishes those who have come forward. These actions need not be job-related or occur in the workplace to constitute unlawful retaliation. For example, threats of physical violence outside of work hours or disparaging someone on social media would be covered as retaliation under this policy.

Examples of retaliation may include, but are not limited to:

- Demotion, termination, denying accommodations, reduced hours, or the assignment of less desirable shifts;
- Publicly releasing personnel files;

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- Refusing to provide a reference or providing an unwarranted negative reference;
- Labeling an employee as “difficult” and excluding them from projects to avoid “drama”;
- Undermining an individual’s immigration status; or
- Reducing work responsibilities, passing over for a promotion, or moving an individual’s desk to a less desirable office location.

Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has:

- Made a complaint of sexual harassment or discrimination, either internally or with any government agency;
- Testified or assisted in a proceeding involving sexual harassment or discrimination under the Human Rights Law or any other anti-discrimination law;
- Opposed sexual harassment or discrimination by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of suspected harassment;
- Reported that another employee has been sexually harassed or discriminated against; or
- Encouraged a fellow employee to report harassment.

Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment. Intentionally false or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Reporting Sexual Harassment

Everyone must work toward preventing sexual harassment, but leadership matters. Supervisors and managers have a special responsibility to make sure employees feel safe at work and that workplaces are free from harassment and discrimination. Any employee or covered individual is encouraged to report harassing or discriminatory behavior to a supervisor, manager or the Assistant Superintendent for Human Resources. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager, or the Assistant Superintendent for Human Resources.

Reports of sexual harassment may be made verbally or in writing. A written complaint form is attached to this policy if an employee would like to use it, but the complaint form is not required. Employees who are reporting sexual harassment on behalf of other employees may use the complaint form and should note that it is on another employee’s behalf. A verbal or otherwise written complaint (such as an email) on behalf of oneself or another employee is also acceptable.

Employees and covered individuals who believe they have been a target of sexual harassment may at any time seek assistance in additional available forums, as explained below in the section on Legal Protections.

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Supervisory Responsibilities

Supervisors and managers have a responsibility to prevent sexual harassment and discrimination. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing or discriminatory behavior, or for any reason suspect that sexual harassment or discrimination is occurring, are required to report such suspected sexual harassment to the Assistant Superintendent for Human Resources. Managers and supervisors should not be passive and wait for an employee to make a claim of harassment. If they observe such behavior, they must act.

Supervisors and managers can be disciplined if they engage in sexually harassing or discriminatory behavior themselves. Supervisors and managers can also be disciplined for failing to report suspected sexual harassment or allowing sexual harassment to continue after they know about it.

Supervisors and managers will also be subject to discipline for engaging in any retaliation.

While supervisors and managers have a responsibility to report harassment and discrimination, supervisors and managers must be mindful of the impact that harassment and a subsequent investigation has on victims. Being identified as a possible victim of harassment and questioned about harassment and discrimination can be intimidating, uncomfortable and re-traumatizing for individuals. Supervisors and managers must accommodate the needs of individuals who have experienced harassment to ensure the workplace is safe, supportive, and free from retaliation for them during and after any investigation.

Bystander Intervention

Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it. There are five standard methods of bystander intervention that can be used when anyone witnesses harassment or discrimination and wants to help.

1. A bystander can interrupt the harassment by engaging with the individual being harassed and distracting them from the harassing behavior;
2. A bystander who feels unsafe interrupting on their own can ask a third party to help intervene in the harassment;
3. A bystander can record or take notes on the harassment incident to benefit a future investigation;
4. A bystander might check in with the person who has been harassed after the incident, see how they are feeling and let them know the behavior was not ok; and
5. If a bystander feels safe, they can confront the harassers and name the behavior as inappropriate. When confronting harassment, physically assaulting an individual is never an appropriate response.

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Though not exhaustive, and dependent on the circumstances, the guidelines above can serve as a brief guide of how to react when witnessing harassment in the workplace. Any employee witnessing harassment as a bystander is encouraged to report it. A supervisor or manager that is a bystander to harassment is required to report it.

Complaints and Investigations of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. An investigation of any complaint, information, or knowledge of suspected sexual harassment will be prompt, thorough, and started and completed as soon as possible. The investigation will be kept confidential to the extent possible. All individuals involved, including those making a harassment claim, witnesses, and alleged harassers deserve a fair and impartial investigation.

Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The District will take disciplinary action against anyone engaging in retaliation against employees who file complaints, support another's complaint, or participate in harassment investigations.

The District recognizes that participating in a harassment investigation can be uncomfortable and has the potential to retraumatize an employee. Those receiving claims and leading investigations will handle complaints and questions with sensitivity toward those participating.

While the process may vary from case to case, investigations will be done in accordance with the following steps. Upon receipt of a complaint, the Assistant Superintendent for Human Resources:

1. Will conduct a prompt review of the allegations, assess the appropriate scope of the investigation, and take any interim actions (for example, instructing the individual(s) about whom the complaint was made to refrain from communications with the individual(s) who reported the harassment), as appropriate. If complaint is verbal, request that the individual completes the complaint form in writing. If the person reporting prefers not to fill out the form, the Assistant Superintendent for Human Resources will prepare a complaint form or equivalent documentation based on the verbal reporting;
2. Will take steps to obtain, review, and preserve documents sufficient to assess the allegations, including documents, emails or phone records that may be relevant to the investigation. The Assistant Superintendent for Human Resources will consider and implement appropriate document request, review, and preservation measures, including for electronic communications;
3. Will seek to interview all parties involved, including any relevant witnesses;
4. Will create a written documentation of the investigation (such as a letter, memo or email), which contains the following:
 - a. A list of all documents reviewed, along with a detailed summary of relevant documents;
 - b. A list of names of those interviewed, along with a detailed summary of their statements;

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- c. A timeline of events;
 - d. A summary of any prior relevant incidents disclosed in the investigation, reported or unreported; and
 - e. The basis for the decision and final resolution of the complaint, together with any corrective action(s).
5. Will keep the written documentation and associated documents in a secure and confidential location;
 6. Will promptly notify the individual(s) who reported the harassment and the individual(s) about whom the complaint was made that the investigation has been completed and implement any corrective actions identified in the written document; and
 7. Will inform the individual(s) who reported of the right to file a complaint or charge externally as outlined in the next section.

The District will retain the written documentation described above for a period of three years.

Appeals

Either party who is not satisfied with the outcome of the investigation may appeal to the Superintendent by submitting a written request within 15 calendar days of receiving notification of the outcome. The Superintendent will review the documentation from the initial complaint and will hold an informal hearing within 15 calendar days of the receipt of the appeal, where all involved parties may appear. The Superintendent will make a determination in writing within 15 calendar days of the hearing and notify the complainant and alleged harasser in writing of the determination, or that additional time is needed to complete the appeal.

If the Superintendent is the subject of the complaint, the appeal must be filed with the Board President, who will refer the complaint to a trained investigator not employed by the District.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District, but it is also prohibited by state, federal, and, where applicable, local law.

The internal process outlined in the policy above is one way for employees to report sexual harassment. Employees and covered individuals may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may also seek the legal advice of an attorney.

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A. New York State Division of Human Rights

The New York State Human Rights Law (HRL), N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State and protects employees and covered individuals, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the New York State Division of Human Rights (DHR) or in New York State Supreme Court.

Complaints of sexual harassment filed with DHR may be submitted any time within three years of the harassment. If an individual does not file a complaint with DHR, they can bring a lawsuit directly in state court under the Human Rights Law, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

Complaining internally to the District does not extend your time to file with DHR or in court. The three years are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases receive a public hearing before an administrative law judge. If sexual harassment is found at the hearing, DHR has the power to award relief. Relief varies but it may include requiring your employer to take action to stop the harassment, or repair the damage caused by the harassment, including paying of monetary damages, punitive damages, attorney's fees, and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

Go to www.dhr.ny.gov/complaint for more information about filing a complaint with DHR. The website has a digital complaint process that can be completed on your computer or mobile device from start to finish. The website has a complaint form that can be downloaded, filled out, and mailed to DHR as well as a form that can be submitted online. The website also contains contact information for DHR's regional offices across New York State.

Call the DHR sexual harassment hotline at 1(800) HARASS3 for more information about filing a sexual harassment complaint. This hotline can also provide you with a referral to a volunteer attorney experienced in sexual harassment matters who can provide you with limited free assistance and counsel over the phone.

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B. The United States Equal Employment Opportunity Commission

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act, 42 U.S.C. § 2000e et seq. An individual can file a complaint with the EEOC anytime within 300 days from the most recent incident of harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred. If the EEOC determines that the law may have been violated, the EEOC will try to reach a voluntary settlement with the employer. If the EEOC cannot reach a settlement, the EEOC (or the Department of Justice in certain cases) will decide whether to file a lawsuit. The EEOC will issue a Notice of Right to Sue permitting workers to file a lawsuit in federal court if the EEOC closes the charge, is unable to determine if federal employment discrimination laws may have been violated, or believes that unlawful discrimination occurred by does not file a lawsuit.

Individuals may obtain relief in mediation, settlement or conciliation. In addition, federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

An employee alleging discrimination at work can file a “Charge of Discrimination.” The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

If an individual filed an administrative complaint with the New York State Division of Human Rights, DHR will automatically file the complaint with the EEOC to preserve the right to proceed in federal court.

C. Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live to find out if such a law exists. For example, employees who work in New York City may file complaints of sexual harassment or discrimination with the New York City Commission on Human Rights. Contact their main office at Law Enforcement Bureau of the NYC Commission on Human Rights, 22 Reade Street, 1st Floor, New York, New York; call 311 or (212) 306-7450; or visit www.nyc.gov/html/cchr/html/home/home.shtml.

D. Contact the Local Police Department

If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Those wishing to pursue criminal charges are encouraged to contact their local police department.

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Notice and Training

The District will provide all existing employees with either a paper or electronic copy of the District's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

All new employees will receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless they can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees will be provided training at least once a year regarding this policy and the District's commitment to a harassment-free working environment. Principals and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment will receive yearly training on this policy, regulation and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

Annual employee training programs will be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

Conclusion

The policy outlined above is aimed at providing District employees and covered individuals an understanding of their right to a discrimination and harassment free workplace. All employees should feel safe at work. Though the focus of this policy is on sexual harassment and gender discrimination, the New York State Human Rights law protects against discrimination in several protected classes including sex, sexual orientation, gender identity or expression, age, race, creed, color, national origin, military status, disability, pre-disposing genetic characteristics, familial status, marital status, criminal history, or domestic violence survivor status. The prevention policies outlined above should be considered applicable to all protected classes.

Ref: Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 et seq.
Executive Law §296
Executive Law §296-d (prohibition of sexual harassment of employees and non-employees)
Labor Law §201-g (required workplace sexual harassment policy and training)
Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)

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General Obligations Law §5-336 (nondisclosure agreements optional)

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)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Adoption date: September 13, 2023

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SEXUAL HARASSMENT OF EMPLOYEES REGULATION

This regulation is intended to create and preserve a working environment free from unlawful sexual harassment on the basis of perceived or self-identified sex, gender identity and expression, and/or sexual orientation, in furtherance of the District's commitment to provide a healthy and productive environment for all employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status) and “non-employees” (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) that promotes respect, dignity and equality.

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status.

Sexual harassment is unlawful when it subjects an individual to inferior terms, conditions or privileges of employment. Such harassment need not be severe or pervasive to be unlawful, and can be any harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s perceived or self-identified sex, gender identity or expression, sexual orientation, and transgender status when:

4. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee’s or “non-employee’s” employment; or
5. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting an employee’s or “non-employee’s” employment; or
6. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee’s or “non-employee’s” work performance, or creating an intimidating, hostile, or offensive working environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

Unacceptable Conduct

School-related conduct that the District considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

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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. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc., or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments;
3. unwelcome and offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g. pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about individual's clothing, appearance, or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "rating lists"; howling, catcalls, and whistles; sexually graphic computer files, messages, or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, 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.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flipups", "panting" or "spiking" (pulling down someone's pants or swimming suit), pinching, placing hands inside an individual's pants, skirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive, sexually degrading or derogatory, or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution of pornographic or other sexually explicit materials such as magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's perceived or self-identified sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;

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- b. ostracizing or refusing to participate in group activities with an individual, including but not limited to, during class projects, physical education classes or field trips because of the individual's perceived or self-identified sex, sexual orientation, gender expression or identity or transgender status;
- c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex, sexual orientation, or gender.

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the employee or non-employee did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs and events, including those that take place at locations outside the District, or outside the school setting if the harassment impacts the individual's employment in a way that violates their legal rights, including when employees or "non-employees" travel on District business, or when the harassment is done by electronic means (including social media).

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations or based on sex may constitute sexual harassment. Such conduct must rise above what a reasonable victim of discrimination with the same protected characteristics would consider petty slights or trivial inconveniences to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct altered the conditions of the employee's or "non-employee's" working environment;
2. the type, frequency, and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct a peer);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

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Reporting Complaints

Employees and “non-employees” who believe they have been the target of sexual harassment in the workplace is encouraged to report complaints as soon as possible after the incident in order to enable the District to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of an employee, or “non-employee” is also encouraged to report the incident or behavior to the District. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator; however, employees and “non-employees” can report complaints to any supervisor or manager.

School employees receiving complaints of sexual harassment from employees and “non-employees” must either direct the complainant to the Building Principal or Title IX coordinator, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by employees and “non-employees” to the Principal or Title IX coordinator and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.

In order to assist investigators, targets 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 target's response to the harassment.

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

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation

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If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the harassment and preventing the harassment of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator will conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

As soon as possible but no later than five working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action they want taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, ask the target to do so, providing alternative formats for individuals with disabilities, who may need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0110.2-E) based on the verbal report.
3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with, or retaliates against the target, he/she will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and their statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.

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7. Review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing them of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
9. Involvement and Notification
 - a. If the alleged harasser is a student, their parents/guardians will be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. If the alleged harasser is a student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law will be followed.
 - c. The Principal or Title IX Coordinator (i.e., the investigator) will submit a copy of all investigation and interview documentation to the Superintendent.
 - d. The investigator will report back to both the target and the accused, notifying them in writing, and also in person as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
 - e. The investigator shall notify the target that if they desire further investigation and action, they may request a District level investigation by contacting the Superintendent of Schools. The investigator will also notify the target of their right to contact the U.S. Department of Education's Office for Civil Rights.
10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
 - a. A list of all documentation and other evidence reviewed, along with a detailed summary;
 - b. A list of names of those interviewed along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The final resolution of the complaint, together with any corrective action(s).

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If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with District policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who shall then contact appropriate law enforcement authorities. Where criminal activity is alleged or suspected by a District employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent will promptly investigate and resolve all sexual harassment complaints that are referred by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

The District level investigation should begin as soon as possible but not later than five working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal District level investigation, the District will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a District investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, District investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

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The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings.

External Remedies

Employee targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR), the federal Equal Employment Opportunity Commission (EEOC) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, info@eeoc.gov, or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

Nondisclosure Agreements

The District may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement shall be provided to all parties in plain English and, if applicable, in the primary language of the complainant. Complainants shall have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, 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, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates may be subject to immediate disciplinary action, up to and including suspension or termination.

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Discipline/Penalties

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

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

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

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

“Non-employees”: (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of District business.

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

False Complaints

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

Training/Notification

All employees will be informed of this policy in employee handbooks, on the District website and other appropriate materials. A poster summarizing the policy shall also be posted in a prominent location at each school. The District will provide all existing employees with either a paper or electronic copy of the District's sexual harassment policy and regulation, and will provide the same to new employees before the employee starts their job. These materials will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided a translated template policy.

All students will be informed of the basic provisions of this policy and regulation (e.g., that sexual harassment of employees and “non-employees” is prohibited, as well as what is appropriate and inappropriate behavior) in student handbooks, on the District website and student registration materials. In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated on appropriate and inappropriate behavior.

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All new employees shall receive training on this policy and regulation at new employee orientation or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer. All other employees shall be provided training at least once a year regarding this policy and the District's commitment to a harassment-free working environment. Principals, the Title IX coordinator, administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation, and related legal developments. Training will be provided in English and in an employee's primary language, for those languages for which the NYS Department of Labor has provided translated model training.

Annual employee training programs shall be interactive and include: (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to victims of sexual harassment; and (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; and (v) address the conduct and responsibilities of supervisors.

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 target.

Revised: June 2001
 October 17, 2018
 July 8, 2020

HARASSMENT, HAZING & BULLYING

The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality. The Board recognizes that discrimination, harassment, hazing, and bullying are detrimental to student learning and achievement. These behaviors interfere with the mission of the District to educate its students and disrupt the operation of the schools. Such behavior affect not only the students who are targets, but also those individuals who participate in and witness such acts.

To this end, the Board condemns and strictly prohibits all forms of discrimination, harassment, hazing, and bullying on school grounds, school buses and at all school-sponsored activities, programs and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which creates or can be reasonably expected to create a material and substantial interference with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences.

Definitions

1. **Bullying.** Bullying, under the amended Dignity for All Students Act, has the same meaning as harassment (see below). The accompanying regulation provides more guidance regarding the definition and characteristics of bullying to help the school community recognize the behavior.
2. **Cyberbullying.** Cyberbullying is defined as harassment (see below) through any form of electronic communication.
3. **Discrimination.** Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as enumerated in the *Definitions* section, under Harassment, below).
4. **Hazing.** Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.
5. **Harassment.** Harassment has been defined in various ways in federal and state law and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent misbehavior from escalating in order to promote a positive school environment and to limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have

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6. the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including, but not limited to, hair texture and protective hairstyles such as but not limited to braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).

For the purpose of this definition the term "threats, intimidation or abuse" includes verbal and non-verbal actions.

In some instances, bullying or harassment may constitute a violation of an individual's civil rights. The District is mindful of its responsibilities under the law and in accordance with District policy regarding civil rights protections.

In order to streamline the wording of this policy and regulation the term bullying will be used throughout to encompass harassment, intimidation, cyberbullying and hazing behaviors.

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Prevention

The school setting provides an opportunity to teach children, and emphasize among staff, that cooperation with and respect for others is a key District value. A program geared to prevention is designed to not only decrease incidents of bullying, but to help students build more supportive relationships with one another by integrating the bullying prevention program into classroom instruction. Staff members and students will be sensitized, through District-wide professional development and instruction, to the warning signs of bullying, as well as to their responsibility to become actively involved in the prevention of bullying before overt acts occur. The components of such an effort involve the following:

- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students.
- Establishing clear school wide and classroom rules about bullying.
- Training and the provision of professional development to adults in the school to respond sensitively and consistently to bullying.
- Providing adequate adult supervision, particularly in less structured areas such as in the hallways, cafeterias, playgrounds, and school buses.
- Raising parental awareness and involvement in addressing and preventing bullying.
- Providing instruction in civility, citizenship and character education that emphasizes tolerance and respect for others.

Curricular material that raises awareness and sensitivity to discrimination or harassment and civility in the relationships of people of different races, weights, national origins, ethnic groups, religions, religious practices, mental or physical abilities, sexual orientations, sexes or gender expression or identities will be included in the instructional program PK-12.

In order to implement this program, the Board will designate at its annual organizational meeting, a Dignity Act Coordinator (DAC) for each school in the District. One of the DAC's will be designated as the District-wide coordinator whose responsibilities are described in the accompanying regulation. The role of each DAC is to oversee and enforce this policy in the school to which they are assigned.

In addition, the Superintendent will establish a District-wide Bullying Prevention Task Force on Bullying Prevention, as well as Bullying Prevention Coordinating Committees, which may also be known as the Positive Behavioral Intervention and Supports (PBIS), in each school that will be overseen by the District DAC. Committees will include representation from parents, staff, students and administrators. The District-wide task force and the school-level team will assist the administration in developing and implementing specific procedures on early identification of

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bullying and other preventive strategies. In addition, the program will include reporting, investigating, remedying and tracking allegations of bullying.

Intervention

Intervention by adults and bystanders is an important step in preventing escalation and resolving issues at the earliest stages. Intervention will emphasize education and skill-building.

In addition, intervention will focus upon the safety of the targeted student. Staff is expected, when made aware of bullying, to either refer the student to designated resources for assistance, or to intervene in accordance with this policy, regulation and code of conduct.

Successful intervention may involve remediation. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior and protect the target. Remediation may be targeted to the individual(s) involved in the bullying behavior or environmental approaches which are targeted to the school or District as a whole.

Provisions for Students Who Do Not Feel Safe at School

The Board acknowledges that, notwithstanding actions taken by the District, intervention might require a specific, coordinated approach if a student does not feel safe at school. Students who do not feel safe at school are limited in their capacity to learn and reach their academic potential. Staff, when aware of bullying, should determine if accommodations are needed in order to help ensure the safety of the student and bring this to the attention of the building principal or DAC. The building principal, other appropriate staff, the student and the student's parent or guardian will work together to define and implement any needed accommodations.

The District recognizes that there is a need to balance accommodations that enhance student safety against the potential of further stigmatizing the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Follow-up discussions and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Training

The Board recognizes that in order to implement an effective bullying prevention and intervention program, professional development is needed. The Superintendent, the DAC, and the District's Professional Development Team will incorporate training to support this program in the annual professional development plan, as needed. Training opportunities will be provided for all staff, including but not limited to, bus drivers, cafeteria staff, hall monitors, and all staff who have contact with students. The DACs will be trained in accordance with state requirements and will continue their professional development so as to successfully support this policy and program.

Reporting and Investigation

Students who have been bullied, parents whose children have been bullied, or other students who observe bullying behavior are encouraged and expected to make a verbal and/or written complaint to any school personnel in accordance with the training and guidelines provided. Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to make an oral report to their building principal or DAC within one school day and to fill out the District reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains.

At all times, complaints will be documented, tracked and handled in accordance with the regulations and procedures accompanying this policy, or, if applicable, District policy 0100, Equal Opportunity and Nondiscrimination, or 0110, Sexual Harassment, and the District's Code of Conduct. The building principal and the DAC will prepare an annual report to the Superintendent based upon complaints filed.

An equitable and thorough investigation will be carried out by the DAC or Building Principal in accordance with the accompanying regulation. In addition, the results of the investigation will be reported back to both the target and the accused as specified in the accompanying regulation. If either of the parties disagrees with the results of the investigation, they can appeal the findings in accordance with the regulations that accompany this policy. Verified bullying incidents that meet the criteria established by the state will be included in the statewide reporting system when applicable, in accordance with law and regulation.

All incidents of bullying behavior will be recorded on the Infinite Campus student management system. The Board will receive the annual VADIR report, as well as any other state-required report relevant to bullying and/or school climate, for each building and for the District as whole. Based on the review of the data, the Board may consider further action, including but not limited to modification of this policy and additional training.

Disciplinary Consequences

While the focus of this policy is on prevention, bullying acts may still occur. In these cases, offenders will be given the clear message that their actions are wrong, and the behavior must improve. Student offenders will receive in-school guidance in making positive choices in their relationships with others. If appropriate, disciplinary action that is measured, balanced, and age-appropriate, will be taken by the administration in accordance with the District's Code of Conduct, as applicable. If the behavior rises to the level of criminal activity, law enforcement will be contacted.

Consequences for a student who commits an act of bullying will be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors, and must be consistent with the District's Code of Conduct.

Non-Retaliation

All complainants and those who participate in the investigation of a complaint in conformity with state law and District policies, who have acted reasonably and in good faith, have the right to be free from retaliation of any kind.

Dissemination, Monitoring and Review

This policy, or a plain language summary, will be published in student registration materials, student, parent and employee handbooks, and posted on the District's website. A bullying complaint form will be available on the District's website. The District will ensure that the process of reporting bullying is clearly explained to students, staff and parents on an annual basis.

Each year, as part of the required annual review of the Code of Conduct, this policy will be reviewed to assess its effectiveness and compliance with state and federal law. If changes are needed, revisions will be recommended to the Board for its consideration.

The District will ensure that reporting of information to the public in conjunction with this policy will be in a manner that complies with student privacy rights under the Family Educational Rights and Privacy Act (FERPA).

Cross-ref: 0100, Equal Opportunity and Nondiscrimination
 0110, Sexual Harassment
 4321, Programs for Students with Disabilities
 5300, Code of Conduct
 5710, Violent and Disruptive Incident Reporting
 9700, Staff Development

Ref: Dignity for All Students Act, Education Law, §10 – 18
 Americans with Disabilities Act, 42 U.S.C. §12101 *et seq.*
 Title VI, Civil Rights Act of 1964, 42 U.S.C. §2000d *et seq.*
 Title VII, Civil Rights Act of 1964, 42 U.S.C. §2000e *et seq.*; 34 CFR §100 *et seq.*
 Title IX, Education Amendments of 1972, 20 U.S.C. §1681 *et seq.*
 §504, Rehabilitation Act of 1973, 29 U.S.C. §794
 Individuals with Disabilities Education Law, 20 U.S.C §§1400 *et seq.*
 Executive Law §290 *et seq.* (New York State Human Rights Law)
 Education Law §§313(3), 3201, 3201-a
 8 NYCRR 100.2(c), (l), (jj), (kk); 119.6
 Tinker v. Des Moines Independent Community School Dist., 393 US 503, (1969)
 Doninger v. Niehoff, 527 F.3d 41 (2d. Cir. 2008)
 Pollnow v. Glennon, 594 F.Sup. 220, 224 aff'd 757 F.2d. 496
 Zeno v. Pine Plains 702 F3rd 655 (2nd Cir. 2012)
 Cuff v. Valley Central School District F3rd 109 (2nd Cir 2012)
 Davis v. Monroe County Board of Education, 526 U.S. 629 (1999)

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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)

Oncala v. Sundowner Offshore Services, Inc., 523 U.S. 75 (1998)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

Appeal of K.S., 43 Ed. Dept. Rep. 492

Appeal of Ravick, 40 Ed. Dept. Rep. 262

Appeal of Orman, 39 Ed. Dept. Rep. 811

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March 22, 2023

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STUDENT BULLYING PREVENTION AND INTERVENTION REGULATION

The Board condemns and strictly prohibits all forms of discrimination, such as harassment, hazing, intimidation and bullying on school grounds, school buses and at all school-sponsored activities, programs, and events. Discrimination, harassment, hazing or bullying that takes place at locations outside of school grounds, such as cyberbullying, which can be reasonably expected to materially and substantially interfere with the requirements of appropriate discipline in the operation of the school or impinge on the rights of other students are prohibited, and may be subject to disciplinary consequences

Definitions

1. Bullying

Under the amended Dignity for All Students Act bullying and harassment are equivalent and used interchangeably. In order to facilitate implementation, provide meaningful guidance and prevent behaviors from rising to a violation of law, bullying is further understood to be a hostile activity which harms or induces fear through the threat of further aggression and/or creates terror. Bullying may be premeditated or a sudden activity. It may be subtle or easy to identify, done by one person or a group. Bullying often includes the following characteristics:

- a. **Power imbalance** - occurs when a bully uses their physical or social power over a target.
- b. **Intent to harm** - the bully seeks to inflict physical or emotional harm and/or takes pleasure in this activity.
- c. **Threat of further aggression** - the bully and the target believe the bullying will continue.
- d. **Terror** - when any bullying increases, it becomes a “systematic violence or harassment used to intimidate and maintain dominance.”

(Barbara Coloroso, *The Bully, The Bullied & The Bystander*, 2003)

There are at least three kinds of bullying: verbal, physical and social/relational.

- Verbal bullying (which can be delivered orally, electronically or in writing) includes name calling, insulting remarks, verbal teasing, frightening phone calls, violent threats, extortion, taunting, gossip, spreading rumors, racist slurs, anonymous notes, etc.
- Physical bullying includes poking, slapping, hitting, tripping or causing a fall, choking, kicking, punching, biting, pinching, scratching, spitting, twisting arms or legs, damaging clothes and personal property, or threatening gestures.
- Social or relational bullying includes excluding someone from a group, isolating, shunning, spreading rumors or gossiping, arranging public humiliation, undermining relationships, teasing about clothing, looks, giving dirty looks, aggressive stares, etc.

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The New York State Education Department provides further guidance on bullying and cyberbullying prevention on the following website:

http://www.p12.nysed.gov/technology/internet_safety/documents/cyberbullying.html

2. Discrimination

Discrimination is the act of denying rights, benefits, justice, equitable treatment or access to facilities available to all others, to an individual or group of people because of the group, class or category to which that person belongs (as listed under *Harassment* as defined below).

3. Harassment

Harassment has been defined in various ways in federal and state law (including the penal law) and regulation. The Board recognizes that these definitions are important standards, but the Board's goal is to prevent behaviors from escalating to violations of law and, instead, to promote a positive school environment and limit liability. The Dignity for All Students Act (§§10-18 of Education Law) defines harassment as the creation of a hostile environment by conduct or by threats, intimidation or abuse, including cyberbullying, that (a) has or would have the effect of unreasonably and substantially interfering with a student's educational performance, opportunities or benefits, or mental, emotional or physical well-being; (b) reasonably causes or would reasonably be expected to cause a student to fear for their physical safety; (c) reasonably causes or would reasonably be expected to cause physical injury or emotional harm to a student; or (d) occurs off school property and creates or would foreseeably create a risk of substantial disruption within the school environment, where it is foreseeable that the conduct, threats, intimidation or abuse might reach school property. The harassing behavior may be based on any characteristic, including but not limited to a person's actual or perceived:

- Race (including traits historically associated with race, including but not limited to hair texture and protective hairstyles (such as but not limited to braids, locks, and twists),
- color,
- weight,
- national origin,
- ethnic group,
- religion,
- religious practice,
- disability,
- sex,
- sexual orientation, or
- gender (including gender identity and expression).
 - Gender identity is one's self-conception as being male or female, as distinguished from actual biological sex or sex assigned at birth.

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- Gender expression is the manner in which a person represents or expresses gender to others, often through behavior, clothing, hairstyles, activities, voice or mannerisms.

For purposes of this definition, the term “threats, intimidation or abuse” includes verbal and non-verbal actions.

4. *Hazing*

Hazing is an induction, initiation or membership process involving harassment which produces public humiliation, physical or emotional discomfort, bodily injury or public ridicule or creates a situation where public humiliation, physical or emotional discomfort, bodily injury or public ridicule is likely to occur.

Prevention

Prevention is the cornerstone of the District’s effort to address bullying. The components of such an effort involve the following:

- Following the principles and practices of “*Educating the Whole Child Engaging the Whole School: Guidelines and Resources for Social and Emotional Development and Learning (SEDL) in New York State – Adopted by the Board of Regents July 18, 2011.*” District curriculum will emphasize developing empathy, tolerance and respect for others.
- Learning about and identifying the early warning signs and precursor behaviors that may lead to bullying.
- Gathering information about bullying at school directly from students (through surveys and other mechanisms); analyzing and using the data gathered to assist in decision-making about programming and resource allocation.
- Establishing clear school wide and classroom rules about bullying consistent with the District’s code of conduct.
- Training adults in the school community to respond sensitively and consistently to bullying.
- Raising awareness among adults, through training, of the school experiences of marginalized student populations (as enumerated in the *Definitions* section above), social stigma in the school environment, gender norms in the school environment, and strategies for disrupting bullying or other forms of violence.
- Providing adequate supervision, particularly in less structured areas such as in the hallways, cafeteria, school bus and playground.
- Raising parental awareness and involvement in the prevention program and in addressing problems.
- Using educational opportunities or curriculum, including, if applicable, the Individual Educational Program (IEP), to address the underlying causes and impact of bullying.

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Role of the Dignity Act Coordinator(s) (DAC)

The Board of Education will annually designate a staff member, who has been thoroughly trained in human relations in the areas of race, color, weight, national origin, ethnic group, religion, religious practice, disability, sexual orientation, gender (including gender identity and expression), and sex, as the Dignity Act Coordinator (DAC) for each school, accountable for implementation of this policy. In addition, one will be designated as the district-wide coordinator who will be responsible for ensuring equivalency in programming across buildings. The building-level DAC will be responsible for coordinating and enforcing this policy and regulation in the school to which they are assigned, including but not limited to coordination of:

- the work of the building-level committees;
- professional development for staff members and,
- the complaint process, and
- management of the Dignity Act's civility curriculum components.

Reporting and Investigation

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets and persons with knowledge of bullying report such behavior immediately to the Building Principal or the Dignity Act Coordinator as soon as possible after the incident so that it may be effectively investigated and resolved. The District will also make a bullying complaint form available on its website to facilitate reporting.

Staff who observe or learn of incident(s) of bullying are required, in accordance with State law, to orally report it to their building principal or DAC within one school day and to fill out the district reporting form within two school days. Staff who are unsure of the reporting procedure are expected to ask their supervisors how to proceed. District employees may be deemed to have permitted unlawful discrimination or harassment if they fail to report an observed incident, whether or not the target complains

The District will thoroughly, promptly, and equitably, investigate all complaints, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner, although limited disclosure may be necessary to complete a thorough investigation.

In order to assist investigators, individuals should document the bullying as soon as it occurs and with as much detail as possible including: the nature of the incident(s); date(s), time(s), place(s) it has occurred; name of alleged perpetrator(s); witness(es) to the incident(s); and the target's response to the incident.

If, after appropriate investigation, the District finds that a student, an employee or a third party has violated this policy, prompt corrective action will be taken in accordance with the code of conduct, applicable collective bargaining agreement, District policy and state law. If the reported behavior constitutes a civil rights violation, the complaint procedure associated with either policy 0100 or 0110 will be followed, as applicable.

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Confidentiality

It is District policy to respect the privacy of all parties and witnesses to complaints to bullying. To the extent possible, the District will 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 with the District's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the District retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that their name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation will inform the complainant that:

1. the request may limit the District's ability to respond to his/her complaint;
2. District policy and federal law prohibit retaliation against complainants and witnesses;
3. the District will attempt to prevent any retaliation; and
4. the District will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the District from responding effectively to the bullying and preventing the bullying of other students.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

Whenever a complaint of bullying is received whether verbal or written, it will be subject to a preliminary review and investigation. Except in the case of severe or criminal conduct, the Building Principal, the principal's designee, or the building DAC, will make all reasonable efforts to resolve complaints informally at the school level. The goal of informal procedures is to end the bullying, prevent future incidents, ensure the safety of the target, and obtain a prompt and equitable resolution to a complaint.

As soon as possible but no later than two working days following receipt of a complaint, the Building Principal, the principal's designee, or the building DAC, will begin an investigation of the complaint by:

- Reviewing any written documentation provided by the target(s).
- Conducting separate interviews of the target(s), alleged perpetrator(s), and witness(es), if any, and documenting the conversations.
- Providing the alleged perpetrator(s) a chance to respond and notify them that if objectionable behavior has occurred, it must cease immediately. The individual will be made aware of remediation opportunities as well as potential disciplinary consequences.

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- Determining whether the complainant needs any accommodations to ensure their safety, and, following up periodically until the complaint has been resolved. Accommodations may include, but are not limited to:
 - A “permanent” hall pass that allows the student to visit a designated adult at any time;
 - Access to different bathroom facilities;
 - Access to different locker room facilities;
 - An escort during passing periods;
 - If the student feels unsafe in a specific class, an opportunity for individual tutoring or independent study until the case is resolved;
 - An opportunity for independent study at home with district-provided tutor until the case is resolved;
 - Permission to use personal cell phone in the event that the student feels threatened and needs immediate access to parent or guardian;
 - Assignment of a bus monitor.

The District recognizes that there is a need to balance accommodations which enhance student safety against the potential to further stigmatize the targeted student. Therefore, each case will be handled individually, and the student, parent/guardian, and school administration will collaborate to establish safety provisions that best meet the needs of the targeted student. Final decision making at this level rests with building administration. Follow-up discussion and/or meetings will be scheduled, as needed, to ensure that safety concerns have been adequately addressed and to determine when and if accommodations need to be changed or discontinued.

Parents of student victims and accused students should be notified within one school day of allegations that are serious or involve repeated conduct.

Where appropriate, informal methods may be used to resolve the complaint, including but not limited to:

- a. discussion with the accused, informing them of the District's policies and indicating that the behavior must stop;
- b. suggesting counseling, skill building activities and/or sensitivity training;
- c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
- d. requesting a letter of apology to the target;
- e. writing letters of caution or reprimand; and/or
- f. separating the parties.

Appropriate disciplinary action will be recommended and imposed in accordance with District policy, code of conduct, the applicable collective bargaining agreement or state law. The District will make every reasonable effort to attempt to first resolve the misconduct through non-punitive measures.

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The investigator will report back to both the target and the accused, notifying them in writing and in person, as appropriate, regarding the outcome of the investigation and the action taken to resolve the complaint. The actions taken will be in conformance with the *Remediation/Discipline/Penalties* section of this regulation. The target will be asked to report immediately if the objectionable behavior occurs again or if the alleged perpetrator retaliates against them.

If a complaint contains evidence or allegations of serious or extreme bullying, or a civil rights violation, the complaint will be referred promptly to the Superintendent. The complainant will also be advised of other avenues to pursue their complaint, including contact information for state and federal authorities. In addition, where the Building Principal, the principal's designee, or the building DAC, has a reasonable suspicion that the alleged bullying incident involves criminal activity, they must immediately notify the Superintendent, who will then contact the school attorney, and, if appropriate, child protection and law enforcement authorities.

Any party who is not satisfied with the outcome of the initial may request a District-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent or designee will promptly investigate and equitably resolve all bullying complaints that are referred to them, as well as those appealed to the Superintendent following an initial investigation. In the event the complaint involves the Superintendent, the complaint will be filed with or referred to the Board President, who will refer the complaint to an appropriate independent individual for investigation.

The District level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the District will endeavor to use individuals who have received formal training regarding such investigations or that have previous experience investigating such complaints.

If a District investigation results in a determination that bullying did occur, prompt corrective action will be taken to end the misbehavior in accordance with the *Remediation / Discipline /Penalties* section of this regulation.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged perpetrator, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

Any party who is not satisfied with the outcome of the district-level investigation may appeal to the Board of Education by submitting a written request to the Board President within 30 days.

C. Board-level Procedure

When a request for review by the Board has been made, the Superintendent will submit all written statements and other materials concerning the case to the President of the Board.

The Board will notify all parties concerned of the time and place when a hearing will be held. Such hearing will be held within 15 school days of the receipt of the request of the complainant.

The Board will render a decision in writing within 15 school days after the hearing has been concluded.

The District will retain documentation associated with complaints and investigations in accordance with Schedule LGS-1.

Retaliation Prohibited

Any act of retaliation against any person who opposes bullying 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 bullying 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.

Remediation/Discipline/Penalties

Any individual who violates this policy by engaging in bullying will be subject to appropriate action, which may include disciplinary action. Remedial responses to bullying include measures designed to correct the problem behavior, prevent another occurrence of the behavior, and protect the target of the act. Appropriate remedial measures may include, but are not limited to:

- Restitution and restoration;
- Peer support group;
- Corrective instruction or other relevant learning or service experience;
- Changes in class schedule;
- Supportive intervention;
- Behavioral assessment or evaluation;
- Behavioral management plan, with benchmarks that are closely monitored;
- Student counseling;
- Parent conferences; or
- Student treatment or therapy.

Environmental remediation may include, but is not limited to:

- School and community surveys or other strategies for determining the conditions contributing to the relevant behavior;
- Modification of schedules;
- Adjustment in hallway traffic and other student routes of travel;
- Targeted use of monitors;
- Parent education seminars/workshops;
- Peer support groups.

Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the District Code of Conduct and applicable law.

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

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

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

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

Training and Policy Dissemination

All students and employees will be informed of this policy in student and employee handbooks, on the District website and student registration materials.

All employees will receive information about this policy and regulation at least once a year. Administrative employees and other staff, such as counselors or social workers, who have specific responsibilities for investigating and/or resolving complaints of bullying shall receive yearly training to support implementation of this policy, regulation and on related legal developments.

Principals in each school will be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures for filing a complaint and the impact of bullying on the victim and bystanders.

Training needs in support of this bullying prevention and intervention program will be reflected in the District's annual professional development plan, new teacher orientation, in curriculum and will be considered in the budget process. The DAC(s), administrative employees and other staff, such as counselors or social workers who have specific responsibilities for investigating

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and/or resolving complaints of bullying will receive yearly training to support implementation of this policy, regulation and on related legal developments.

Adoption date: July 2, 2012

Revised: October 2014

March 22, 2023

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**THREE VILLAGE CENTRAL SCHOOL DISTRICT
CHECKLIST (CHECK ONE)
ADULT TO ADULT SEXUAL HARASSMENT INVESTIGATION _____
ADULT TO ADULT HARASSMENT, HAZING, & BULLYING INVESTIGATION _____**

PRINCIPAL'S NAME:

DATE OF INCIDENT:

VICTIM'S NAME:

DATE OF THIS REPORT:

ALLEGED HARASSER'S NAME:

IMPORTANT PHONE NUMBERS:

<u>Procedural Step in Regulation 0110R and 0115R</u>	YES	NO	STEP NOT TAKEN	EXPLANATION
Victim interviewed <ul style="list-style-type: none"> • No contact with harasser • Asked what action wants taken • Referred to appropriate counseling agencies 	_____ _____ _____	_____ _____ _____	_____ _____ _____	
Written documentation by victim reviewed <ul style="list-style-type: none"> • Encouraged written documentation if not done; provided accommodation when necessary 	_____ _____ _____	_____ _____ _____	_____ _____ _____	
Provided alleged harasser with opportunity for interview. Parent of alleged harasser/perpetrator wished to be present during the interview. <ul style="list-style-type: none"> • Told if conduct has occurred, cease • Offered right to representation prior to interview • Documented conversation • Provided opportunity to respond in writing 	_____ _____ _____ _____	_____ _____ _____ _____	_____ _____ _____ _____	
Alleged harasser warned that he/she will be subject to disciplinary action if contacts victim or retaliates	_____ _____	_____ _____	_____ _____	
Individually interviewed witnesses <ul style="list-style-type: none"> • Obtained written statements • Cautioned confidentiality 	_____ _____ _____	_____ _____ _____	_____ _____ _____	

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0115-E

THREE VILLAGE CENTRAL SCHOOL DISTRICT CHECKLIST (CHECK ONE) ADULT TO ADULT SEXUAL HARASSMENT INVESTIGATION _____ ADULT TO ADULT HARASSMENT, HAZING, & BULLYING INVESTIGATION _____				
<i>Procedural Step in Regulation 0110R and 0115R</i>	YES	NO	STEP NOT TAKEN	EXPLANATION
Reviewed all documentation and information	_____	_____	_____	
Principal reported findings to Title IX coordinator who will determine next steps, if any	_____	_____	_____	
Principal reported findings to Dignity Act Coordinator who will determine next steps, if any	_____	_____	_____	
Principal reported back to victim and accused the outcome of the investigation and action taken <ul style="list-style-type: none"> • in person • in writing • instructed victim to report recurrence of objectionable behavior or retaliation 	_____ _____	_____ _____	_____ _____	
Principal advised victim he/she may request District-level investigation by written appeal to the Superintendent within 30 days. <ul style="list-style-type: none"> • Principal or administrative designee notified victim of right to contact US Department of Education’s OCR and /or attorney 	_____ _____	_____ _____	_____ _____	

Person Completing Form

Were there any changes you would recommend to the regulation based on your experience this year?

For Internal Use Only

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0115-E

**THREE VILLAGE CENTRAL SCHOOL DISTRICT
CHECKLIST (CHECK ONE)
STUDENT TO STUDENT SEXUAL HARASSMENT INVESTIGATION _____
STUDENT TO STUDENT HARASSMENT _____
STUDENT TO STUDENT HAZING INVESTIGATION _____
STUDENT TO STUDENT BULLYING INVESTIGATION _____**

PRINCIPAL'S NAME:

STUDENT'S (VICTIM) NAME:

ALLEGED PERPETRATOR'S NAME:

DATE OF INCIDENT:

IMPORTANT PHONE NUMBERS:

DATE OF THIS REPORT:

<u>Procedural Step in Regulation 0110R and 0115R</u>	YES	NO	STEP NOT TAKEN	EXPLANATION
Within 24-hours parents of victim were notified. <ul style="list-style-type: none"> • Parents unreachable and investigation continued 	____ ____	____ ____	____ ____	
Parent of victim wished to be present during interview.	____	____	____	
Victim interviewed <ul style="list-style-type: none"> • No contact with harasser/perpetrator • Asked what action wants taken • Referred to appropriate counseling agencies 	____ ____ ____	____ ____ ____	____ ____ ____	
Written documentation by victim reviewed <ul style="list-style-type: none"> • Encouraged written documentation if not done; provided accommodation when necessary 	____ ____ ____	____ ____ ____	____ ____ ____	
Victim has IEP or 504 Plan <ul style="list-style-type: none"> • CSE/504 team was consulted for victim 	____ ____	____ ____	____ ____	
Provided alleged harasser/perpetrator with opportunity for interview. Parent of alleged harasser/perpetrator wished to be present during the interview. <ul style="list-style-type: none"> • Told if conduct has occurred, cease • Offered right to representation prior to interview • Documented conversation • Provided opportunity to respond in writing 	____ ____ ____ ____	____ ____ ____ ____	____ ____ ____ ____	
Alleged harasser/perpetrator warned that he/she will be subject to disciplinary action if contacts victim or retaliates	____	____	____	
Individually interviewed witnesses <ul style="list-style-type: none"> • Obtained written statements • Cautioned confidentiality 	____ ____ ____	____ ____ ____	____ ____ ____	

THREE VILLAGE CENTRAL SCHOOL DISTRICT

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THREE VILLAGE CENTRAL SCHOOL DISTRICT CHECKLIST (CHECK ONE) STUDENT TO STUDENT SEXUAL HARASSMENT INVESTIGATION _____ STUDENT TO STUDENT HARASSMENT _____ STUDENT TO STUDENT HAZING INVESTIGATION _____ STUDENT TO STUDENT BULLYING INVESTIGATION _____				
<i>Procedural Step in Regulation 0110R and 0115R</i>	YES	NO	STEP NOT TAKEN	EXPLANATION
Reviewed all documentation and information	_____	_____	_____	
Principal reported findings to Title IX coordinator who will determine next steps, if any	_____	_____	_____	
Principal reported findings to Dignity Act Coordinator, who will determine next steps, if any	_____	_____	_____	
Principal reported back to victim and accused the outcome of the investigation and action taken <ul style="list-style-type: none"> • in person • in writing • instructed victim to report recurrence of objectionable behavior or retaliation 	_____	_____	_____	
Principal advised victim he/she may request District-level investigation by written appeal to the Superintendent within 30 days. <ul style="list-style-type: none"> • Principal or administrative designee notified victim of right to contact US Department of Education’s OCR and /or attorney 	_____	_____	_____	

Person Completing Form

Were there any changes you would recommend to the regulation based on your experience this year?

For Internal Use Only

HIV/AIDS POLICY

The Board of Education recognizes the public concern over the health issues surrounding Human Immunodeficiency Virus (HIV) and Acquired Immune Deficiency Syndrome (AIDS). The Board recognizes, based upon the current state of medical knowledge, that the virus associated with AIDS is not easily transmitted and there is no evidence that AIDS or the HIV virus can be transmitted by casual social contact in the open school setting.

The Board further recognizes the privacy rights of students diagnosed with HIV infection or AIDS and their right to a free appropriate public education; the rights of HIV infected employees to privacy and reasonable accommodations; the rights of all non-infected individuals to a safe environment free of any significant risks to their health; and the rights of all students to instruction regarding the nature, transmission, prevention, and treatment of HIV infection, pursuant to the Commissioner's Regulation, Part 135.3.

No individual shall be denied access to any program or activity sponsored by or conducted on the grounds of the District, solely on the basis of their status as an HIV-infected individual.

Advisory Council

The Board directs the Superintendent of Schools to establish and maintain an advisory council, which will be responsible for making recommendations concerning the content, implementation, and evaluation of an AIDS instruction program. The advisory council shall consist of parents, school board members, appropriate school personnel, and community representatives, including representatives from religious organizations.

Instruction

Instruction will be offered as grade-banded lessons throughout the health education curricula during the following grade levels:

- Grades K-3
- Grades 4-6
- Grade 7
- Grade 10

Instruction will be age-appropriate and include the following information:

- The nature of the disease
- Methods of transmission
- Methods of prevention, stressing abstinence as the most effective and appropriate protection against HIV/AIDS

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Students

It is the policy of the Board that:

1. A student's education shall not be interrupted or curtailed solely on the basis of their HIV status. HIV-infected students shall be afforded the same rights, privileges, and services available to every other student.
2. No student shall be referred to the Committee on Special Education solely on the basis of their HIV status. A student who is infected with HIV shall be referred to the Committee on Special Education (CSE) only when the student's disability interferes with their ability to benefit from instruction. Such referral shall be made in accordance with Part 200 of Commissioner's Regulations.
3. If a student who is HIV-infected requires special accommodations to enable him/her to continue to attend school, the student shall be referred to the appropriate multi-disciplinary team as required by §504 of the Rehabilitation Act.
4. No disclosure of HIV-related information involving a student shall be made without first obtaining the informed consent of the parent, guardian or student on the Department of Health (DOH) approved form.
5. No student shall be required to receive instruction concerning the methods of HIV/AIDS prevention if his/her parent or legal guardian files with the Principal a written request that the student not participate in such instruction, with an assurance that the student will receive this instruction at home.

Employees

It is the policy of the Board that:

1. No employee shall be prevented from continuing in their employment solely on the basis of their HIV status; such employee is entitled to all rights, privileges, and services accorded to other employees and shall be entitled to reasonable accommodations to the extent that such accommodations enable such individuals to perform their duties.
2. No disciplinary action or other adverse action shall be taken against any employee solely on the basis of their status as an HIV infected or a person with AIDS. Such action will only be taken where, even with the provision of reasonable accommodations, the individual is unable to perform their duties.
3. All employees shall have access to the District's exposure control plan as required by the federal Office of Safety and Health Association (OSHA).
4. In accordance with OSHA regulations, training in universal precautions and infection control shall be offered to all employees and shall be provided to every employee with potential occupational exposure.

Confidentiality

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Any information obtained regarding the HIV status of an individual connected to the school shall not be released to third parties, except to those persons who are:

1. named on an Authorization for Release of Confidential HIV Related Information form;
2. named in a special HIV court order; or
3. as indicated in Public Health Law §2782, when necessary to provide health care to the individual (i.e., to the school physician and the school nurse).

Any employee who breaches the confidentiality of a person who is HIV infected shall be subject to disciplinary action in accordance with applicable law and/or collective bargaining agreement.

To protect the confidentiality of an HIV infected individual, any documents identifying the HIV status of such individuals shall be maintained by the school nurse (or another authorized individual) in a secure file, separate from the individual's regular file. Access to such file shall be granted only to those persons named on the Department of Health approved Authorization for Release of Confidential HIV Related Information form, or through a special HIV court order. When information is disclosed, a statement prohibiting further redisclosure, except when in compliance with the law, must accompany the disclosure.

HIV/AIDS Testing

No school official shall require a student or employee to undergo an HIV antibody test or other HIV-related test. In accordance with OSHA regulations in the event of an incident involving the exposure one individual to potentially infectious body fluids of another individual, particularly blood or any other fluid which contains visible blood, an HIV test may be requested but NOT required. The request and refusal must be documented.

However, school officials shall not be precluded from requiring a student or employee to undergo a physical examination pursuant to Education Law §§903 and 913, when other illness is suspected (e.g., tuberculosis), as long as no HIV antibody test or other HIV-related test is administered without the individual's informed consent as required by Public Health Law §27-F.

To implement this policy, the Superintendent of Schools is directed to arrange for staff training, to distribute copies of this policy to all employees of the District, and to include it in the District's student handbook, and to establish an advisory council to make recommendations on the development, implementation, and evaluation of HIV/AIDS instruction as a part of comprehensive health education.

Cross-ref: 5420, Student Health Services
8123, Hygiene Precautions and Procedures

Ref: 29 USC §§794 et seq. (Rehabilitation Act of 1973)
20 USC §§1400 et seq. (Individuals with Disabilities Education Act)
42 U.S.C. §12132, et seq. (Americans with Disabilities Act)
34 CFR Part 104

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29 CFR Part 1910.1030

Executive Law §296 (Human Rights Law)

Education Law §§903; 913

Public Health Law, Article 27-F

8 NYCRR §§29.1(g); 135.3; 136.3

An Implementation Package for HIV/AIDS Policy in New York State School Districts,
NYS HIV/AIDS Prevention Education Program, June 17, 1998

Adoption Date: December 1991

Reviewed: October 30, 2008

Revised: June 15, 2022

THREE VILLAGE CENTRAL SCHOOL DISTRICT

0200

SCHOOL DISTRICT GOALS AND OBJECTIVES

To further its educational philosophy, the Board of Education establishes the following goals and objectives:

1. to provide an educational program and instructional arrangements which will permit each student to develop to their full potential;
2. to employ the best possible school staff, including both professional and support personnel;
3. to encourage the development of meaningful, interpersonal relationships among the students, staff and community;
4. to ensure that staff, students, and parents are afforded opportunities for meaningful participation in the development and evaluation of programs and policies;
5. to strive for maximum efficiency in the use of District resources to meet the goals and objectives of the various programs and services;
6. to provide educational programs and services which fulfill the needs of the District and comply with statutory requirements and Commissioner's regulations; and
7. to promote the development of a "community school" in services to community members who are not part of the regularly attending student body.
8. to initiate the process of long-range planning for the entire school community and to develop, implement and periodically update a strategic plan.
9. to develop and implement a District-wide process for communication at various levels to include the Board of Education, administration, teachers, support staff, students, parents/guardians and community members and to monitor its continued effectiveness.
10. to work collaboratively among the Board of Education, Facilities Committee and responsible District personnel to assure that facilities projects are completed in a timely, high-quality manner and within the District's approved budget parameters.
11. to work collaboratively among the Board of Education, District committees as established from time-to-time, along with ee responsible District personnel to assure that District programs, policies and regulations are implemented, evaluated, and maintained in a timely and effective manner.

The Board of Education may, from time-to-time, adopt annual or other short-term goals and objectives as it deems necessary.

Adoption Date: December, 1991

Revised: December 2, 2008

Revised: November 29, 2023

THREE VILLAGE CENTRAL SCHOOL DISTRICT

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ACCOUNTABILITY

The Board of Education acknowledges that it is directly accountable to the community it has been elected to serve, and is committed to engaging in a continuous assessment of all District conditions affecting education that fall within the purview of a board of education.

The Board recognizes that a comprehensive accountability system is necessary to evaluate and improve the effectiveness of the District's schools by keeping the primary focus on student achievement and on what can and should be done to improve that achievement.

Consistent with its obligations and commitments, the Board will:

1. Request regular reports on student progress and needs, based on a variety of measures or assessments to evaluate the quality and equity of education in the District, including instruction, services, and facilities.
2. Evaluate the Superintendent's performance in accordance with policy 0320, Evaluation of the Superintendent.
3. Evaluate progress toward achievement of the District's long- and short-term goals and ensure that board policies and resources effectively support the District's vision and mission.
4. Provide appropriate staff and Board training opportunities.
5. Fulfill governance responsibilities as required by state and federal law.

The Board acknowledges that publicizing the District's progress and performance is important to maintaining the community's trust and support. The Board is committed to keeping the public aware of such progress and performance on a regular basis.

Cross-ref: 0000, Mission Statement and Vision
0200, District Goals
0320, Evaluation of the Superintendent
1000, Community Relations Goals

Adoption Date: February 24, 2009
Revised: November 29, 2023

EVALUATION OF SUPERINTENDENT

The Board of Education recognizes that student achievement, District progress and community satisfaction with the schools are all in large part affected by the superintendent's performance. The Board also recognizes the superintendent cannot function effectively without periodic feedback on performance, and is committed to ensuring that the superintendent is evaluated annually as required by Commissioner's regulations.

During each year of the superintendent's appointment, the Board and the Superintendent will meet to discuss a plan of performance review and accountability for that school year. The final plan shall be within the sole discretion of the Board. Such evaluation will be discussed during an executive session.

The purposes of the evaluation shall be to:

1. Gauge the District's progress toward the goals the Board has charged the superintendent to accomplish.
2. Provide a basis for assessing the strengths and weaknesses of the Board and the superintendent and to aid in the professional development of both parties.
3. Strengthen the working relationship between the Board and the superintendent.
4. Provide a basis for commending, rewarding and reinforcing good work.

The evaluation shall focus on the goals the Board sets for the superintendent each year as well as the duties and competencies specified in the superintendent's job description.

The form the Board uses for evaluating the superintendent shall be filed in the District office with the District Clerk, and available for review by any individual no later than September 10th of each year.

Cross-ref: 3120, Duties of the Superintendent

Ref: 8 NYCRR 100.2 (o)(2)(v) (Performance review of superintendent)

Adoption Date: December, 1991

Revised: December 2, 2008

Revised: November 29, 2023

EVALUATION OF INSTRUCTIONAL STAFF

The Board of Education believes that all educational professionals have a desire to continuously improve their performance. Evaluators who give feedback can provide assistance in promoting and facilitating improved professional performance by identifying patterns of effective teaching and areas of growth and development. The ultimate goal of the evaluation process, the promotion of student and staff growth, can be achieved in a climate characterized by professional trust, collaboration, and support.

The purposes of professional staff evaluations are to:

1. enrich and develop effective classroom instructional practices and pedagogy;
2. encourage and promote improved performance;
3. enhance the instructional program;
4. provide a formal procedure for communication between the teacher and the administrator regarding instructional practices, the instructional program, and student progress; and
5. to assist the Superintendent and the Board of Education in properly evaluating employees for tenure review.

The evaluation process shall include but shall not be limited to:

1. cooperative goal-setting by teacher and supervisor;
2. evaluation in relation to personal goals set;
3. evaluation in relation to district and building goals and initiatives;
3. the means for self-evaluation; and
4. opportunities for both formal and informal observation and evaluations that are carried out on a regular and on-going basis using language from the District's approved APPR plan as a framework for professional practice.

District plans for observations and evaluations of instructional and administrative staff will be developed in accordance with applicable statutory requirements, Commissioner Regulations, and Rules of the Board of Regents.

Every instructional staff member shall receive an end-of-year written evaluation. The instructional staff shall be periodically informed of the District evaluation program. Observation and evaluation processes, procedures, and practices utilized in the approved framework which will be continually reviewed by district and building administration and is subject to review by the Board.

Ref: Education Law § 3031
Public Officers Law §§ 87 et seq.
8 NYCRR § 100.2(o)(1)

Adoption Date: December, 1991

Revised: April 28, 2009
Revised: November 29, 2023

THREE VILLAGE CENTRAL SCHOOL DISTRICT

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EVALUATION OF ADMINISTRATIVE STAFF

In order to ensure a high quality of administrative performance and to advance the District's instructional program, a continuous program for administrative evaluation shall be established.

The Superintendent of Schools, in cooperation with the administrative staff, shall develop an evaluation system for all administrators. The criteria used in each evaluation shall be based on administrative performance objectives and shall relate to the administrator's job description.

All administrators shall receive at least one official evaluation in writing each year. The administrator being evaluated shall have the opportunity to review the evaluation with his/her respective evaluator. The evaluation shall be signed by both parties to indicate that the evaluation has been read and discussed. A copy of the evaluation shall be incorporated into the personnel file of the administrator being evaluated.

The Superintendent shall verbally report annually to the Board of Education on the performance of all administrators as per the administrator's performance appraisal process.

Adoption Date: December, 1991

Revised: May 12, 2009

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EVALUATION OF SUPPORT STAFF

Non-Instructional personnel will undergo yearly evaluations, in cooperation with their immediate supervisor and district director or supervisor. All evaluations will be placed in the employee's permanent file. Evaluations will be conducted in accordance with applicable collective bargaining agreements.

The purpose of support staff performance appraisals are:

1. to improve performance by means of objective evaluation procedures;
2. to ensure job responsibilities are commensurate with the requirements and responsibilities of the position; and
3. to identify contributions of employees.

Adoption Date: December, 1991

Revised: May 12, 2009

Revised: November 29, 2023

EVALUATION OF INSTRUCTIONAL PROGRAMS

The Board of Education recognizes that education is a continuous process that requires the coordination and cooperation of all components of the entire school system. To achieve the highest quality of education on all levels, a critical appraisal of the program as it operates in each school and at each level is essential.

The purposes of the evaluation of the instructional program are to:

1. assess how well the program meets its stated goals;
2. provide information needed for curriculum revision and long range planning;
3. show the relationship between achievements in and between schools and the school system's stated goals;
2. indicate instructional strengths and areas of identified need;
5. assess the effectiveness of the instructional program in terms of community expectations; and
3. provide data for public information.

Elements of such evaluation may include:

4. nationally standardized tests, State tests, and locally developed assessment instruments;
5. studies of school achievement records and follow-up studies of students;
6. curriculum studies undertaken by faculty committees;
7. input from students, parents/guardians, and staff;
8. reviews by State Education Department specialists; and
9. evaluation by other organizations and agencies.

The results of the evaluation, together with the concurrent recommendations for modifications and revisions in programs, shall be presented to the Board in an appropriate summary form by the designated administrative officer. The needs shown by the evaluation will be listed on a priority basis. Such report shall be submitted at least annually and should be utilized to:

10. determine whether the school is meeting, or making adequate progress toward enabling its students to meet the State's student performance standards;
11. indicate instructional strengths and areas of identified need;
12. provide information needed for advance planning;
13. provide data for public information;
14. show the relationship between achievement and the school system's stated goals; and
15. ascertain the effectiveness of the instructional program in terms of the expectations and concerns of the community.

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A continuing evaluation of the instructional program will be conducted at the school and District level. The needs of the instructional program, as shown by this evaluation, will be listed on a priority basis.

The Superintendent of Schools shall submit an annual report to the Board stating the strengths and areas of identified need of the instructional program in each school. The report will contain recommendations for addressing the identified needs of the instructional program.

The District shall publicize and disseminate to staff, parents/guardians, students, and the community the results of the annual review in individual school performance profiles based on statistically sound methods. The District shall also provide the results of the annual review to schools so that they can continually refine the program of instruction to help all students meet the State's student performance standards.

Cross-ref: 0210, Goals for Instructional Program
4300, Curriculum

Ref: 8 NYCRR § 100.2 (m)
20 U.S.C. § 6317(a) (Title I of the Elementary and Secondary Education Act of 1965)
34 C.F.R. 200.5 (annual review procedures under Title I)

Adoption Date: December 1991

Revised: June 1999
May 12, 2009