

SHARON SPRINGS CENTRAL SCHOOL DISTRICT
EQUAL OPPORTUNITY POLICY
(PROHIBITING DISCRIMINATION AND HARASSMENT)

SECTION 1: PURPOSE

This Policy is intended to ensure that students and all employees of the District have an equal opportunity to pursue the educational and employment opportunities offered by the Sharon Springs Central School District (hereinafter "District"). Specifically, this Policy reaffirms the Sharon Springs Central School District's commitment to providing educational and employment opportunities free from unlawful discrimination on the basis of sex (including sexual harassment), race, religion, national origin, age, disability or other basis prohibited by law.

In accordance with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the New York Human Rights Law and other applicable laws prohibiting discrimination, no student or employee of the District may be discriminated against or harassed on the basis of sex, race, religion, national origin, age, disability or other basis prohibited by law.

A. **Scope of Policy.** This Policy applies to all students enrolled in the District. This Policy also applies to all persons applying for employment with the District and all employees of the District. This policy applies to all types of unlawful discrimination, or perceived discrimination, that is based upon the sex (including sexual harassment), race, religion, national origin, age, sexual orientation or disability of any student or employee of the District.

B. **Policy Objectives.** By adopting and publishing this Policy, it is the intention of the Board of Education to:

1. Inform all students and employees about the District's commitment to providing equal educational and employment opportunities to all students and all current and prospective employees.

2. Prevent all forms of discrimination against any student, applicant for employment or employee.
3. Provide a simple, safe and efficient complaint procedure available to all students and employees who believe they have been subjected to prohibited discrimination, including sexual harassment.
4. Provide confidential and effective procedures for investigating complaints of alleged discrimination, specifically including sexual harassment, and for implementing remedial measures.
5. Promote equal educational and employment opportunities for all students and employees, and to ensure that prohibited discrimination of students or employees does not occur in the District. Specifically, this Policy shall specifically serve to:
 - (a) Notify all students, parents of students, employees and applicants for employment, of the types of conduct which constitute discrimination prohibited by this Policy;
 - (b) Inform all students, parents of students and employees about the complaint procedures established by the District which enable any student or employee who believes (s)he is the victim of discrimination to submit a complaint which will be investigated by the District;
 - (c) Clearly advise all supervisory staff, administrators, employees and students that discriminatory treatment or harassment of students or employees is strictly prohibited and no such person possesses the authority to harass or discriminate; and
 - (d) Inform all students, parents of students and all employees that the District has appointed Compliance Officers (i.e. "Title IX Officers" or "EO Officers" for each District building who are specifically designated to

receive complaints of discrimination or harassment and ensure compliance with this Policy.

NOTE: The names and office location of each Compliance Officer designated to receive complaints are listed below at the end of this Policy (Section 11). This Policy, and the complaint procedures described in this Policy, shall also constitute the District's Grievance Procedures under Title IX of the Education Amendments of 1972 for complaints of gender discrimination within educational institutions receiving federal financial assistance. Moreover, the Compliance Officers identified below (Section 11) also serve as "Title IX Officers."

SECTION 2: DEFINITIONS

"Prohibited Discrimination of Students". Prohibited discrimination of students can take the form of any negative treatment of a student, by either a fellow student or a District employee, which, (a) negatively impacts a student's educational opportunities and (b) is based upon the student's sex, race, religion, national origin, age or disability. Prohibited discrimination of students can also take the form of harassment even where there is no tangible impact upon the student's educational opportunities. The phrase "prohibited discrimination", as used in this Policy specifically includes all forms of "prohibited harassment" (defined below) which includes sexual harassment.

"Prohibited Employment Discrimination". Prohibited discrimination of employees can take the form of adverse employment actions which are based upon an employee's sex, race, religion, national origin, age or disability. Prohibited discrimination of employees, can also take the form of prohibited harassment, even where there is no tangible adverse employment action. ("Prohibited Harassment" is defined below). The phrase "prohibited discrimination", as used in this Policy, specifically includes all forms of "prohibited harassment" (defined below) which includes sexual harassment.

“Prohibited Harassment”. Harassment can constitute a form of prohibited discrimination under this Policy if it is unwelcome and has the effect of making a student or employee feel uncomfortable while at the District or otherwise creates a hostile learning or working environment. Such harassment of students or employees is prohibited by this policy if it is based upon sex, race, religion, national origin, age or disability.

Harassment of students or employees based on sex, which is called **“sexual harassment”**, is also specifically prohibited by this policy. While it is impossible to provide an exhaustive list of examples of behaviors that could constitute sexual harassment, sexual harassment as a form of prohibited discrimination can take the form of the following types of behavior by a student or District employee:

- (A) verbal or physical conduct of a sexual nature which is unwelcome;
- (B) unwelcome sexual advances, flirtations or propositions;
- (C) unwelcome request for sexual favors;
- (D) verbal abuse of a sexual nature;
- (E) unwelcome graphic verbal comments about a person’s body;
- (F) unwelcome physical touching of a sexual nature;
- (G) sexually degrading comments or remarks; or
- (H) other behavior which is based on a persons sex, is not welcome, and has the effect of creating a hostile learning or working environment for that individual.

While a single incident of these types of behavior may not constitute unlawful sexual harassment or violate this Policy, if such behavior is severe, persistent or pervasive; or if submission to such conduct is made either explicitly or implicitly a term or condition of educational or employment benefits, or if such conduct has the purpose or effect of unreasonably interfering with the individual’s education creating an intimidating, hostile, abusive or offensive learning or working environment, such conduct constitutes prohibited sexual harassment.

Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature may constitute prohibited sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of

an individual's education or employment; (2) submission to or rejection of such conduct by an individual is used as the basis for educational or employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's education or work performance or creating an intimidating, hostile or offensive environment for a student or employee.

SPECIAL NOTE TO STUDENTS REGARDING SEXUAL HARASSMENT: As a student in the District, you should be aware that no student, teacher, coach, administrator or other person associated with the District has the right to:

- touch you in a sexual way that makes you feel uncomfortable;
- request or force you to have any type of personal relationship;
- make unwelcome sexual remarks about you, your body or your out of school activities;
- request or force you to have any sexual contact with them;
- engage in any other type of behavior towards you which is prohibited by this Policy.

If another student or an employee of the District does any of the things listed above you should do one or all of the following things: (1) tell the person who is making you feel uncomfortable to "stop" and let them know that their conduct is not welcome; (2) file a written complaint with one of the District's Compliance Officers in accordance with the complaint procedures described in Section "4" below.

NOTE: Any student or employee who is unsure whether an incident constitutes prohibited discrimination or harassment under this policy is encouraged to either; (a) contact any one of the Compliance Officers listed in Section ii of this Policy, or (b) file a complaint in accordance with Section 4 of this Policy. No adverse actions or discipline will be taken against any student or employee who makes a good faith complaint under this policy. Therefore, any student or employee who honestly believes (s)he has been subjected to conduct which **may** be prohibited by this Policy, even if they are uncertain about the definitions contained in this Policy, is **encouraged** to contact a District Compliance Officer and/or file a complaint.

SECTION 3: POLICY

The District is committed to providing equal educational opportunities to all students of the District. The District is also committed to providing equal employment opportunities to all applicants for employment and to all full time and part time employees of the District.

The District regards all forms of prohibited discrimination, including all forms of sexual harassment, as very serious matters. Accordingly, it is the policy of the District that:

1. All students be free from prohibited discrimination, including sexual harassment.
2. All employees be free from prohibited discrimination, including sexual harassment.
3. All applicants for employment be free from prohibited discrimination.
4. All forms of prohibited discrimination, including sexual harassment, which is directed at any student or employee is considered unacceptable conduct and is strictly prohibited.
5. No District administrator, teacher, coach, or other employee has the authority to subject any student or employee to any form of prohibited discrimination, including sexual harassment.

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

In accordance with this Policy, all District teachers, coaches and other District employees who have contact with students, are responsible for conducting themselves in a manner which is consistent with this Policy and ensuring that all students in their charge comply with this Policy.

All supervisory employees in the District are responsible to ensure compliance with this Policy. Specifically, all supervisory employees have an affirmative duty to discuss this Policy with their staff members, answer any questions about the policy, and encourage members of their staff to utilize this Policy if they believe they are subjected to any form of discrimination.

Copies of this Policy and Complaint Form shall be distributed to all students and employees in the District within the first twenty (20) days of the first day of each school year. Additional copies of this Policy and the Complaint Form will be made available to any student or employee, without question, at each Principal's office within the District.

Any questions regarding the scope or application of this Policy should be directed to one of the Compliance Officers listed in Section "11," of this Policy.

SECTION 4: POLICY ENFORCEMENT

A. Complaint Procedure for Students.

1. **Notification Procedure.** The District encourages any student, who believes they are being subjected to prohibited discrimination, including sexual harassment, to clearly and promptly notify the offender that his or her behavior is unwelcome. If for any reason a student is uncomfortable talking to the offender directly, or if talking to such person does not successfully end the discrimination or harassment, the student is urged to notify one of the designated Compliance Officers listed in Section "11" below or the Superintendent of Schools. The names, office location, and telephone numbers of each Compliance Officer is listed in Section "11" of this policy.

NOTE: Confronting the offender is NOT a prerequisite to filing a complaint. All students have the right to file a good faith complaint without *first* communicating with the offender.

2. **Making a Complaint.** All complaints must be in writing. All students are encouraged to use the District's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional Complaint forms can be obtained from any Principal's office within the District, with no questions asked. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination, all complaints must be reduced to writing. If a student has any questions or difficulty filling out the Complaint form, they can obtain assistance from any one of the Compliance Officers listed in Section 'I I', of this Policy.

All written complaints must include: the name of the complaining party, the name of the alleged offender(s), date of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the student has completed and dated a written Complaint, with or without the assistance of one of the District's Compliance Officers, the written complaint must be personally delivered to one of the District's Compliance Officers or placed in the mailbox of one of the Compliance Officers.

If for any reason a student is not comfortable submitting a written Complaint to the Compliance Officer located in the building where that student is generally assigned, the written Complaint may be submitted, either by hand delivery or mail, to any one of the Compliance Officers listed in Section II below, or, to the Superintendent of Schools.

All students filing a complaint will be expected to cooperate with the District's investigation procedures. Students may be accompanied by a friend, relative, guardian or parent when making a complaint of prohibited discrimination or harassment under this Policy or participating in an investigation of such a complaint so long as such attendance does not abridge the privacy rights of the parties involved or compromise the confidential nature of the investigation. If a parent of a student believes that their

son or daughter has been subjected to discrimination, then they may make a complaint on behalf of their son or daughter.

B. Complaint Procedure For Employees:

1. **Notification Procedure.** The District encourages any employee who believes they are being subjected to prohibited discrimination, including sexual harassment, to clearly and promptly notify the offender that his or her behavior is unwelcome. If for any reason an employee is uncomfortable confronting the offender directly, or if such a confrontation does not successfully end the discrimination, the employee should file a complaint with one of the District's Compliance Officers (identified in Section "11" below) or the Superintendent of Schools.

NOTE: Confronting the offender is NOT a prerequisite to filing a complaint. All employees and applicants for employment have the right to file a good faith complaint without first communicating with the offender.

All employees filing a complaint will be expected to cooperate with the District's investigation procedures. Employees may be accompanied by a union representative when making a claim of discrimination or participating in the investigation process so long as such attendance does not abridge the privacy rights of the parties involved or compromise the confidential nature of the investigation.

2. **Making a Complaint.** The complaint must be in writing. All employees are encouraged to use the District's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of discrimination, all complaints of discrimination must be reduced to writing and signed by the party making the Complaint.

C. **Time for Reporting a Complaint.** Prompt reporting of all complaints is strongly encouraged. Nonetheless, all students and employees should be aware that appropriate resolution of discrimination complaints and effective remedial action often

times is possible only when complaints are promptly filed. Furthermore, complaining parties should be aware that statutes of limitations may constrain the time period for instituting legal actions outside of this Policy.

D. Confidentiality and Privacy. In recognition of the personal nature of discrimination Complaints and the emotional impact of perceived discrimination, the District will attempt to maintain the confidentiality of all complaints and investigations in a manner which is consistent with the District's investigative procedures, applicable collective bargaining agreements and other laws and regulations regarding students and employees.

For the protection of all students and employees who make a complaint or are accused of prohibited discrimination, every witness interviewed during an investigation under this Policy will be specifically advised of the confidentiality requirement and instructed not to discuss the complaint, the investigation or the persons involved.

To the extent Complaint made under this Policy implicate criminal conduct such as suspected child abuse, the District may be required by law to contact and cooperate with the appropriate law enforcement authorities.

E. Acknowledgment of Complaints. Within five (5) calendar days of receiving a written Complaint, the Compliance Officer or Superintendent of Schools should endeavor to contact the student or employee who filed the complaint to confirm that the written complaint has been received. If a student or employee does not receive such confirmation within five (5) days of filing their complaint they are encouraged to file a second written complaint or contact the Compliance Officer. The purpose of this acknowledgment procedure is to ensure that all written Complaints are carefully processed and promptly investigated.

SECTION 5: INVESTIGATION PROCEDURES

A. Timing of Investigations. The District will promptly investigate all allegations of **discrimination in as confidential** and sensitive a manner as possible. The District will attempt to complete investigations under this Policy within thirty (30) calendar days of

receipt of the written Complaint, or sooner if practical. However, the length of the investigation will depend upon the particular circumstances of each Complaint.

B. Method of Investigations. Investigations will be conducted by the District's Compliance Officers, the District's legal counsel and/or other impartial persons designated by the Superintendent of Schools.

The primary purposes of all investigations under this Policy will be to determine:

- (1) Did the conduct complained of occur?;
- (2) Did the conduct complained of violate this Policy?; and
- (3) What remedial or preventative steps are recommended?

Investigations may include: fact-finding interviews, document review, depositions, observations or other reasonable methods. All students under the age of eighteen (18) who are interviewed, whether they are accused of prohibited discrimination or merely an alleged witness, will have the option of being accompanied by a parent or legal guardian. All employees who are interviewed during an investigation will have the option of being accompanied by their union representative.

The District's investigators should pursue every reasonable step to investigate each Complaint in a thorough and comprehensive manner.

Any notes, memoranda or other records created by the District employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged.

C. Investigative Reports. Once the investigators have completed their impartial fact-finding investigations, they shall prepare and deliver a confidential written report to the Superintendent of Schools. The confidential investigative report should be delivered to the Superintendent of Schools within seven (7) days of the completion of the investigation (or 37 days within the date of the Complaint).

To the extent possible, the Investigative Report should include: (1) determination as to whether the conduct complained of occurred; (2) a determination as to whether a violation of this Policy occurred; and (3) recommendations for remedial or preventative actions, if any.

D. Notification to Complainant Party. Within ten (10) days of the Superintendent's receipt of the Confidential Investigative Report, the Superintendent or his/her designee, shall notify the student or employee of the outcome of the investigation. Such notification shall be in writing, include a brief summary of the factual findings and, where ever possible, a summary of any remedial or preventative measures that have been or will be taken by the District.

While reasonable efforts will be made to inform the complaining party about the outcome of the investigations, the District will nonetheless consider the privacy rights of all parties involved in disseminating information contained in the Confidential Investigative Report.

Within fifteen (15) days of the Superintendent's receipt of the Confidential Investigative Report, the Superintendent or his/her designee, shall notify the person accused of violating this Policy, whether or not a violation of this Policy was found.

E. Remedial Measures. The District's primary goal in responding to complaints of prohibited discrimination under this Policy is prevention. This Policy is intended to prevent all forms of discrimination in the District and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive or primary means for responding to prohibited discrimination.

Any student or employee who is found to have engaged in prohibited discrimination or conduct which may be prohibited by this Policy, may receive education, training, counseling, warnings, or other measures designed to prevent future violations of this Policy.

Any supervisor, administrator, teacher, employee, agent or student of the District who is found to have engaged in prohibited discrimination as defined by this Policy may also be subject to appropriate disciplinary action in accordance with any applicable statutes, regulations or collective bargaining agreements. Such disciplinary action may include; warnings, suspension, or discharge from employment for employees, and suspension from school for students.

Any third party found to have engaged in sexual discrimination of a student may be barred from District property or the complainant's buildings or property.

SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THIS POLICY

All students and employees are assured that the District will not retaliate against any student or employee who files a discrimination complaint in good faith. Retaliation is a very serious violation of the District's Policy and should be reported immediately. Any employee, agent or student of the District found to have retaliated against a student or employee their good faith reporting of discrimination under this Policy will be deemed to have violated this Policy and be subject to disciplinary action.

Abuse of this Policy by filing a false complaint which the complaining party knows to be false, will be considered a violation of this Policy.

SECTION 7: APPEALS

Any student or employee who wishes to appeal the procedures which the District followed in investigating a written complaint filed under this Policy, may do so within ten (10) days of receipt of notification to the complaining party. Such appeal must be made in writing to the Board of Education by submission to the District Clerk. The student or employee shall be entitled to present evidence as to why the investigation procedures were flawed, improper or otherwise not in compliance with this Policy. The Board's consideration and review of any such appeal shall be conducted confidentially in executive session. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived there from, the Board of

Education, or its designee, shall render a decision within thirty (30) of the filing of the appeal. This decision shall be final and binding. The Appellant shall be notified of the decision in writing.

SECTION 8: RECORD KEEPING

The District shall maintain a written record of all complaints of sexual discrimination for a period of at least six years. The District shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The District shall also maintain these documents for, at a minimum, six years.

The District records regarding alleged discrimination shall be maintained separate and apart from student records and employee personnel files. However, any disciplinary action, counseling letters or warning notices to students or employees will be maintained in student files or personnel records in accordance with the District's normal procedures for handling such documentation.

SECTION 9: QUESTIONS

Any questions by students or employees of the District about the policy, this regulation or potential discrimination should be brought to the attention of one of the District's Compliance Officers or the Superintendent of Schools. The names, addresses, and telephone numbers of the District's Compliance Officers are listed at Section 11 of this policy.

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

replace any prior District policies and regulations regarding discrimination, sexual harassment, and related complaint procedures.

Upon the effective date of this Policy, all employee and student handbooks and codes of conduct shall be deemed amended to include the prohibition and remedial procedures contained in this Policy.

