

Anti-Sexual Harassment Policy for Students (Protected Class)

- The Chenango Valley Central School District (district) recognizes the harmful and insidious nature of harassment and the toll it can have on the district's students.
- The district is fully committed to maintaining an educational environment that is free from all forms of sexual harassment.
- In keeping with this commitment the district will not tolerate the sexual harassment of its students at school, school-related functions, on school grounds or on school transportation.
- The district prohibits all forms of sexual harassment, including sexual harassment by a person of the same sex and gender-based harassment that occurs in all areas of a student's educational experience.
- Any student who has experienced or witnessed any behavior which the student, in good faith, believes is sexual harassment is to report said harassment immediately to a teacher, school counselor, school nurse, school psychologist, assistant principal, principal, Assistant Superintendent (who is the Title IX Coordinator) or Superintendent. Any employee or staff of the district who has witnessed any such behavior is to report said behavior to the Title IX Coordinator.
- The district will promptly investigate all reports of sexual harassment and pursuant to the results of said investigation will take appropriate disciplinary and/or corrective action that is in accordance with applicable laws, rules, regulations and/or collective bargaining agreements.
- The district prohibits any retaliation against students who have made good-faith reports of sexual harassment and/or who have participated in any investigation of sexual harassment complaints.

Sexual Harassment

It is the district's policy to provide an educational environment that is free from all forms of sexual harassment. This policy applies to the actions of the district's staff or employees, students and any third party who may have contact with a student (such as a vendor or a visitor to a school building) while the student is at school, a school function, on school grounds or on school transportation.

No employee or staff member of the district has the authority to condition any aspect of a student's educational experience (such as grades, homework, participation in extracurricular activities, or access to school facilities) on the granting of sexual favors, on the toleration of sexual conduct or on the toleration of any other conduct prohibited by this policy. Any violations of this policy shall be treated as serious misconduct and will result in appropriate disciplinary action, which may include the termination of employment (if the violator is an employee) or suspension from school (if the violator is a student).

All of the district's staff, employees and students as well as non-employees of the district during educational contacts with the district's students or while visiting the district's premises are expected to comply with this policy.

Definition of 'Sexual Harassment'

This policy prohibits all forms of conduct such as verbal, physical or visual conduct that are unwelcome. For the purposes of this policy, sexual harassment encompasses conduct that includes, but is not limited to, unwelcome sexual advances, requests for sexual favors and other verbal, physical or visual conduct of a sexual nature when either (1) submission to such conduct is made either explicitly or implicitly a term or condition of a student's educational experience (such as grades, homework, participation in extracurricular activities or access to school facilities); (2) submission to, or rejection of, such conduct by a student is used by a factor in decisions affecting the student's educational experience; or (3) such conduct has the purpose or effect of unreasonably interfering with a student's educational experience or creating an intimidating, hostile or offensive educational environment.

The district prohibits all forms of sexual harassment whether perpetrated by a male against a female, a female against a male, a male against a male or a female against a female. So long as the sexual harassment is sexually or gender based, it is a violation of this policy. **The district will not tolerate sexual harassment in any situation whether employee to student, student to employee or student to student.**

It is important for employees and students to avoid conduct on their part that can be construed by others as sexual harassment (e.g., telling jokes of a sexual nature or making demeaning comments about a particular gender).

Examples of Prohibited Conduct

The following are examples of sexual harassment:

- offering educational terms, privileges or benefits such as grades, homework, access to school facilities, or enrollment or participation in school-sponsored events, functions or activities in exchange for a sexual and/or romantic favor;
- making or threatening reprisals after a negative response to sexual and/or romantic advances or to other discriminatory conduct;
- making unwelcome sexual and/or romantic advances, propositions, flirtations or repeated unwelcome requests for or efforts to make social contact;
- using verbal abuse of a sexual or gender-based or other discriminatory basis such as using sexually degrading or vulgar words to describe an individual or making derogatory sexual comments, slurs, taunts, jokes, language or epithets;
- inappropriate use of email or displaying or downloading sexually suggestive or gender based images from the internet;
- asking questions about sexual conduct or sexual orientation or disclosing or spreading rumors about such information concerning yourself or others;
- leering or making sexual, derogatory, insulting, obscene or other sex-based comments or gestures;
- displaying sexually suggestive or gender based objects, pictures, posters or cartoons;

- sending sexually suggestive or obscene letters, gifts, notes or invitations;
- retaliating against a student for refusing to participate in such behavior or for complaining about such behaviors;
- sexual assault or attempted sexual assault;
- clothing with sexually obscene or explicit slogans, messages or pictures;
- unwelcome and offensive public sexual display of affection including kissing (“making out”), groping, fondling, petting, inappropriate touching of one’s self or others, sexually suggestive dancing, sexually suggestive dancing, sexually suggestive massages; and
- unwelcome, painful and/or sexually offensive physical pranks or touching of an individual’s clothing and/or body such as “hazing,” “initiations,” “streaking,” “mooning,” “snuggies,” or “wedgies” (pulling underwear up at the waist so it goes in between the buttocks), bra snapping, skirt “flip ups,” “spiking” (pulling down someone’s pants or swimming suit), pinching or placing hands inside another’s pants, shirt, blouse, dress, etc.)

The above list is illustrative only and does not exclude other conduct which also could be construed as sexual harassment.

Every employee and staff member of the district has a responsibility to create and maintain an educational environment that is free of sexual harassment. No employee or staff member of the district shall threaten or insinuate, either explicitly or implicitly, that a student’s refusal to submit to sexual and/or romantic advances will adversely affect the student’s educational experience or advancement including grades, homework, access to school facilities and participation in school sponsored activities and events. Sexually harassing conduct in the schoolhouse, whether committed by district staff, employees, students or third parties (vendors and visitors to school buildings) is strictly prohibited.

Scope of Policy

This policy covers conduct at school, at social functions and events sponsored by the district (i.e., sporting events, extracurricular activities), on school grounds or on school transportation.

Timely Reporting, Complaint Procedure

An important objective of this policy is to prevent the development of an educational environment which, because of prohibited conduct, unreasonably interferes with a student’s educational experience or is intimidating, hostile or offensive. It is therefore essential and required that students **immediately report** conduct which they believe is in violation of this policy. Such timely reporting is necessary so that a sexual harassment complaint can be remedied before a harassing situation develops and so that the district can avoid the spread of harmful rumors.

Any student who believes that he/she has been subjected to conduct that is in violation of this policy should immediately report the facts of the incident and the name of the individuals involved to a teacher, school counselor, school nurse, school psychologist, assistant principal, Assistant Superintendent or Superintendent.

Investigation of Complaints

The district's policy is to investigate all reported incidents thoroughly, promptly and in a discrete manner. The district recognizes that every investigation requires a determination based on all of the facts in the matter. The district also recognizes the serious impact that a false accusation can have and trust that all students, employees, agents and officials will act responsibly when making complaints.

Sanctions for Violations of this Policy

The district expects all employees and students to be aware of this policy and to abide by it at all times. If an investigation confirms that sexual harassment has taken place, the district will take appropriate corrective and/or disciplinary action in accordance with the applicable laws, rules, regulations and collective bargaining agreements. Such corrective and/or disciplinary action may include counseling, reprimand, suspension and/or the termination of the offending party's employment (if the violator is a staff member or employee of the district) or suspension from school (if the violator is a student).

Bad Faith Complaints

Although the district encourages the reporting of sexual harassment, students and the district's staff and employees must recognize that complaints made in bad faith (such as when the complainant knows that the complaint is false) can have a serious impact on other students and/or employees of the district who may experience adverse employment action and also suffer a compromise in their reputation. In addition, bad faith complaints of sexual harassment disrupt the schoolhouse and waste resources by triggering lengthy and potentially time-consuming investigations.

It is therefore misconduct under this policy for a student or staff member to make complaints of sexual harassment in bad faith and doing so may result in corrective or disciplinary action taken against the complainant. For the purposes of this policy, complaints are made in 'bad faith' when the complainant: (a) makes the complaint solely to harm, injure, degrade, defame or embarrass another person; (b) knows that the complaint is false; and/or (c) acts with reckless disregard to the truth when making the complaint.

Confidentiality

When investigating sexual harassment complaints, the district will maintain confidentiality to the extent that the district considers practicable, appropriate and necessary in order to meet the purposes of investigating and responding to sexual harassment complaints and in order to achieve the other objectives of this policy.

Retaliation is Strictly Prohibited

The district strictly prohibits any district staff member or employee or student from retaliating against anyone who makes a good faith report of sexual harassment or participates in an investigation under this policy. Any staff member or student who violates this provision of the policy will be subjected to appropriate discipline in accordance with applicable laws, rules, regulations and collective bargaining agreements. Such discipline may include counseling, reprimand, suspension and/or termination of employment (if the violator is a staff member or employee of the district) or suspension from school (if the violator is a student).

Title IX Coordinator

Each year at the Board of Education reorganization meeting, the District appoints Title IX Coordinators to monitor and investigate Title IX complaints. (See also Section IV-Policy 20 of the Chenango Valley CSD policy manual). Teachers, principals, assistant principals and any other employee or staff member who receives a complaint under this policy or who observes a violation of this policy must report such complaint or observation to the Assistant Superintendent. The investigation of all violations of this policy as of all complaints filed under this policy shall be the responsibility of the Title IX Coordinators.

Responsibility

The district's staff and employees are responsible for strict compliance with all aspects of this policy. Therefore, they should review the manner and style in which they oversee and supervise students and the quality of the educational environment they create through their supervision. In particular, staff members and employees of the district should take pains not to condone or tolerate any conduct that might violate this policy.

Waiver

Any failure by a student to report any incidents of sexual harassment may result in the full waiver of his/her claim.

Publication

The district shall promulgate this policy as follows:

A copy of this policy shall be provided to each employee, agent or official on the first pay day of each September. With respect to an employee, agent or official who is hired during the school year, this policy shall be provided to the employee, agent or official after the Board of Education has appointed the employee, agent or official. This policy shall be included in the student handbook and in the school calendar. This policy shall be provided annually to the president of each bargaining unit. The name, business address and telephone number of the district's Title IX Coordinator shall be published in the student handbook and in the district's newsletter.