

Anti-Harassment for Employees - Protected Class

- Chenango Valley Central School District (“district”) recognizes the harmful and insidious nature of harassment on the basis of a protected characteristic (i.e., race, color, national origin, religion, age, disability, sexual orientation, and/or veteran status) (“harassment”) and the toll that harassment can have on employees, staff, students, vendors, and visitors to the district’s buildings, grounds, and facilities.
- The district is fully committed to maintaining a work environment that is free from all forms of harassment and discrimination that are prohibited by law.
- In keeping with this commitment, the district will not tolerate any harassment that occurs at school, school-related functions, on school grounds, or on school transportation, whether perpetrated by or against the district’s employees, staff, vendors, or visitors to the district’s buildings, grounds, or facilities.
- The district prohibits all forms of harassment in all areas of employment including, by way of example, recruitment, hiring, training, promotion, discipline, separations, benefits, and compensation.
- Any employee, agent, or official of the district who has experienced or witnessed behavior which the employee, in good faith, believes is harassment should immediately report said harassment to a supervisor, an assistant principal, a principal, the Assistant Superintendent or the Superintendent.
- The district will promptly investigate all reports of 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 employees who have made good faith reports of harassment or who have participated in any investigation of harassment complaints.

Harassment on the Basis of a Protected Characteristic

It is the district’s policy to provide a work environment that is free from all forms of harassment and discrimination that are prohibited by law (i.e., harassment that targets race, color, national origin, religion, age, disability, sexual orientation, and/or veteran status) (“harassment”). This policy applies to the actions of supervisors, co-workers, vendors, students, parents, and visitors to the district’s buildings, grounds, and facilities.

Harassment on the basis of any protected characteristic is strictly prohibited by law and this policy. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, national origin, age, disability (alienage or citizenship status, marital status, creed, genetic disposition or carrier status, sexual orientation) or any other characteristic protected by law or that of his/her relatives, friends, or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual’s work performance; or (iii) otherwise adversely affects an individual’s employment opportunities.

Harassing conduct includes, but is not limited to:

- epithets, slurs, name-calling, negative stereotyping, or offensive “slang”;
- threatening, intimidating, or hostile acts;
- denigrating jokes and/or displays or circulation in the workplace of any written or graphic material (such as signs, pictures, or cartoons) that denigrates, intimidates an individual, or shows hostility or aversion toward an individual or group (including through e-mail);
- pushing, shoving, threats, or other intentional acts perpetrated in whole or in part because of the victim’s protected status;
- mimicking or mocking another’s speech, accent, disability, or behavior.

Each manager/supervisor has a responsibility to maintain a workplace that is free of harassment. Harassing conduct in the workplace, whether committed by managers/supervisors, non-managerial employees, co-workers, or outside individuals (vendors, visitors to the school, etc.), is strictly prohibited.

Scope of Policy

This policy covers conduct in the workplace, at social functions (i.e., holiday dinners, picnics, sporting events, etc.), and business functions.

Timely Reporting

An important objective of this policy is to prevent the development of a work environment which, because of prohibited conduct, unreasonably interferes with an employee’s work or is intimidating, hostile, or offensive. It is therefore essential and required that employees immediately report conduct which they believe is in violation of this policy. Such timely reporting is necessary so that a complaint can be investigated while information is most available, so that a problem can be remedied before a harassing situation develops, and so that the district can avoid the spread of harmful rumors.

Any employee, agent, or official of the district who believes that he or she has been subjected to conduct in violation of this policy should report the facts of the incident and the name of the individuals involved to his/her immediate supervisor or, in the alternative, to the Assistant Superintendent. If, for any reason, an employee, agent, or official of the district would prefer not to make the report to these individuals, the employee should report the conduct to the Superintendent. Similarly, any employee who observes the harassment of another employee, agent, official, vendor, or visitor of the district’s buildings or grounds should report the harassment to one of the persons listed above.

Complaint Procedure

If a complainant is comfortable addressing the situation directly and believes it would be helpful, the employee is encouraged to immediately tell the other person when his/her behavior is considered inappropriate and unwelcome and to request that the conduct stop. Persons so told must comply immediately and graciously with such requests.

Supervisors must immediately report to the Assistant Superintendent conduct that is believed to be in violation of this policy, whether or not the concerned parties are subordinates of the supervisor and whether or not the conduct is reported to the supervisor.

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 employees, agents, and officials will act responsibly when making complaints.

Sanctions for Violations of this Policy

The district expects all employees to be aware of this policy and to abide by it at all times. If an investigation confirms that 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.

Bad Faith Complaints

Although the district encourages the reporting of harassment, employees, agents, and officials 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 employees and officials, who may experience adverse employment action and also suffer a compromise in their reputation. In addition, bad faith complaints disrupt the workplace and waste resources by triggering lengthy and (potentially) time-consuming investigations.

It is therefore misconduct, under this policy, for an employee, agent, or official to make complaints of 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 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 the complaint and in order to achieve the other objectives of this policy.

Retaliation is Strictly Prohibited

The district strictly prohibits any supervisor, employee, agent, or official from retaliating against anyone who makes a good faith report of harassment or who participates in an investigation under this policy. Any supervisor, employee, agent, or official who violates this provision 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.

Responsibility

Supervisors are responsible for strict compliance with all aspects of this policy. Therefore, they should review the manner and style in which they oversee their subordinates and the quality of the workplace environment they create through their supervision. In particular, supervisors should take pains not to condone or tolerate any conduct that might violate this policy.

Waiver

Any failure by an employee, agent, or official to report any incidents of sexual harassment may result in the full waiver of the 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 payday 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 published annually in the district's newsletter. This policy shall also be provided annually to the president of each bargaining unit.

Policy Review

The district shall, on an annual basis, provide for a review of this policy with all of its employees, agents, and officials.