

## **SEXUAL HARASSMENT OF STAFF**

It is the policy of the Great Neck Public Schools to maintain a learning and working environment that is free from sexual harassment. When a staff member (male or female) is subjected to unwelcome behavior that is sexual in nature, it is “sexual harassment” and is inappropriate, harmful and against the law. Sexual harassment may originate from a person of either sex and may be directed against persons of the same sex or the opposite sex.

### ***I. POLICY***

- A. No employee in the District shall be subjected to sexual harassment. It shall be a violation of this policy for any member of the Great Neck Public Schools staff to harass other staff members through conduct or communication of a sexual nature as defined in Section II. It shall also be a violation of this policy for students to harass staff members through conduct or communication of a sexual nature as defined in Section II.
- B. Each administrator shall be responsible for promoting understanding and acceptance of, and assuring compliance with, state and federal laws and Board of Education policy and procedures governing sexual harassment within his/her school or office.
- C. Violations of this policy or procedures will be cause for disciplinary action.

### ***II. DEFINITION***

- A. Sexual harassment means unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of a person's employment, advancement, or participation in school programs or activities; or
  - 2. Submission to or rejection of such conduct by an employee is used as the basis for decisions affecting the employee; or
  - 3. Such conduct has the purpose or effect of unreasonably interfering with an employee's performance or creating an intimidating, hostile or offensive work environment.

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- B. Sexual harassment as set forth in Section II.A. may include, but is not limited to, the following:
1. Verbal harassment or abuse
  2. Pressure for sexual activities
  3. Repeated remarks with sexual or demeaning implications
  4. Unwelcome touching
  5. Sexual jokes, posters, etc.
  6. Suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's evaluation, opportunities, promotion, or other benefits of employment.

### **III. PROCEDURES FOR REPORTING HARASSMENT**

Any staff member who alleges sexual harassment by another staff member or student in the School District may complain directly to his/her immediate supervisor, building principal, assistant superintendent, Superintendent, the District's Title IX Compliance Officer\* (see School Telephone Directory), or the Board of Education. Any person who receives such a complaint will immediately notify the Title IX Compliance Officer. Filing a grievance or otherwise reporting sexual harassment will not reflect on the individual's status, nor will it affect future employment or work assignments. Any act of retaliation against the complainant is a violation of human rights law.

- A. **Informal Conference** - Prior to filing a formal complaint, a staff member may arrange to meet informally with the Title IX Compliance Officer. The purpose of such a meeting will be to discuss the allegations and to explore possible ways to resolve the situation. In an effort to achieve resolution, meetings may also be held with the alleged harasser. No written records will be kept.
- B. **Formal Complaint** - A formal complaint may be submitted either to report an allegation of sexual harassment or as a follow-up to an unsatisfactory resolution. A formal complaint shall be made in writing by completing the District's *Complaint of Alleged Sexual Harassment* form (0110-E), which shall be available in all District offices. Upon receipt, a formal complaint will be immediately forwarded to the Title IX Compliance Officer.
- C. **Unreported Complaint** - In the absence of a victim's complaint, the Board will ensure that an investigation is commenced upon learning of or having reason to suspect the occurrence of sexual harassment.

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\*Pursuant to Title IX of the Education Amendments of 1972, the Title IX Compliance Officer is the district official responsible for ensuring that the school system does not discriminate on the basis of sex in the educational or employment opportunities extended to students or staff.

**IV. INVESTIGATION**

- A. Upon receipt of a formal or informal complaint, a prompt, thorough investigation of the allegations will be made by an appropriate authority designated by the Title IX Compliance Officer. This investigation is to be conducted diligently and the complainant is to be notified of the outcome. Should it become necessary to interview any students in the course of the investigation, their parents will be notified and afforded the opportunity to be present.
- B. All complaints will be treated as confidential and only those persons necessary for the conduct of the investigation will be involved in the process.
- C. In the case of a formal complaint only, the results of the investigation will appear in the form of a written report that will be placed in a confidential file kept by the Title IX Compliance Officer. Copies of the report and conclusions will be transmitted to the staff member who made the complaint, the person against whom the complaint was made (and his/her parents if a student), and the Superintendent of Schools.

**V. DISCIPLINARY ACTIONS**

- A. If a staff member is found guilty of sexual harassment, the Superintendent of Schools will impose appropriate sanctions in a manner consistent with any applicable law, District policies and regulations, and collective bargaining agreements. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal.
- B. If a student is found guilty of sexual harassment, the principal of the school will impose appropriate sanctions in a manner consistent with any applicable law and the District's Code of Conduct (see 5300). The Superintendent will review the matter and determine whether further action should be taken.
- C. The Superintendent of Schools will determine whether the findings of sexual harassment warrant turning the report and conclusions over to the Police Department for action. The individual harassed is, of course, free to file a complaint with the Police Department in any case.
- D. Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed above.

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- E. Because of the damage that can be done to someone falsely accused, any individual who in bad faith knowingly makes a false complaint or report of harassment will be subject to disciplinary action in the manner prescribed above.
- F. Pursuant to this policy, any official or employee of the District who receives a complaint of sexual harassment and who does not follow the procedures outlined in this policy will be held accountable and disciplined accordingly.

### **VI APPEALS**

Any complainant or accused party 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 the appellant's notification of the investigation outcome. Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Board of Education by submission to the District Clerk. The appellant 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. The Board's decision shall be final. The appellant shall be notified of the decision in writing.

### **VII. NOTIFICATION AND TRAINING**

- A. Copies of this policy will be distributed to all schools and departments of the Great Neck Public Schools, incorporated in teacher and student handbooks, and the school district calendar will include a summary.
- B. Each school will develop a training program for staff and students to raise awareness of the issues surrounding sexual harassment and to implement preventive measures to help reduce incidents of sexual harassment. The program will provide for a review of policy, procedures and prevention at least once a year for each group.

*Great Neck Public Schools*

*Adopted: March 20, 1995*

*Amended: March 10, 2003*