

## SEXUAL HARASSMENT OF STUDENTS

### Introduction:

The Board of Education requires the relationship between students, employees, officers, volunteers, business invitees and district contractor employees to be based upon mutual respect and professionalism. All adults are expected to exercise good judgment and maintain professional boundaries when interacting with students and each other, in all curricular and extra-curricular activities, both on and off school property.

The Board of Education prohibits sexual harassment, gender discrimination and discrimination based upon actual or perceived sexual orientation of students by other students, employees, officers, volunteers, business invitees and district contractor employees. Sexual harassment is a violation of law and stands in direct opposition to District policy. This policy prohibits sexual harassment and discrimination based upon the actual or perceived sexual orientation of a student, as well as, gender discrimination intended to demean or intimidate a person or persons because of ~~his or her~~ their gender or gender identity.

### Definitions:

1. Sexual harassment is defined as conduct directed against a person of a different or same sex, because of ~~his or her~~ their sex or actual or perceived sexual orientation or gender identification, which creates a sexually hostile learning or school environment.
2. Sexual harassment that creates a hostile learning or school environment is either pervasive and/or one or more incidents of severe conduct that involves ~~unwelcome~~: sexual advances; sexual violence;<sup>1</sup> sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. Pervasive and/or one or more incidents of sexual conduct directed at any student by an officer, employee, volunteer, business invitee or district contractor employee shall be deemed to be unwelcome per se. Pervasive and/or one or more incidents of severe sexual conduct directed at students in grades K-8 by any other student shall be deemed to be unwelcome per se. The determination of a hostile learning or school environment, in cases other than those deemed per se unwelcome (including students in grades 9-12), shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant and shall be done on a case by case basis.
3. Sexual orientation is defined as heterosexuality, homosexuality, bisexuality or asexuality, whether actual or perceived.

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<sup>1</sup> Prohibited sexual violence refers to physical sexual acts perpetrated against a person's will or where the person is incapable of giving consent due to the person's use of drugs or alcohol or an individual's intellectual or other disability.

4. Gender discrimination is defined as pervasive and/or one or more incidents of severe conduct intended to intimidate or demean a person or persons, or conduct which treats a person differently in the learning or school environment because of ~~his or her~~ **their** gender and/or failure to conform to gender stereotypes.

#### Title IX Officers

The District's Title IX Officers are the Assistant Superintendent for Human Resources and Leadership Development and the Assistant Superintendent for ~~Curriculum and Instruction Business~~ and are charged with investigating or overseeing the investigation of sexual or gender based harassment complaints. The District's Title IX Officers can be reached as follows: by calling 238-7200, ext. 1023 and by email at the following email address: [kusinha@ccsd.ws](mailto:kusinha@ccsd.ws) or by calling 238-7200, ext. 1006 and by email at the following email address: [JoChow@ccsd.ws](mailto:JoChow@ccsd.ws) or by mail at 66 Roaring Brook Road, Chappaqua, New York 10514.

#### Complaint Procedures:

Any student, parent or legal guardian of a student, District employee or third party who becomes aware or believes that a student has been subjected to sexual harassment or discrimination by a student, employee, officer, volunteer, business invitee or district contractor employee based upon sexual orientation or gender shall report promptly all incidents of such conduct to ~~his/her~~ **their** principal, to the Assistant Superintendent of Human Resources and Leadership Development or the Assistant Superintendent for Business through informal and/or formal complaint procedures developed by the District and contained in Administrative Regulations. If a student chooses to report to any other adult District officer or employee (coach, teacher, nurse, counselor, etc.), that adult is responsible for reporting the case to the principal, ~~or~~ to the Assistant Superintendent of Human Resources and Leadership Development or the Assistant Superintendent for Business. The principal shall promptly notify the Assistant Superintendent of Human Resources and Leadership Development or the Assistant Superintendent for Business of all complaints of sexual harassment and discrimination based upon sexual orientation or gender. Upon receipt of an informal/formal complaint, the principal or the Assistant Superintendent of Human Resources and Leadership Development or the Assistant Superintendent for Business shall initiate a prompt and thorough investigation using procedures developed by the District and contained in Administrative Regulations, including the documentation of all complaints, investigations and outcomes. The District ~~may~~shall investigate an allegation of sexual harassment even if the alleged conduct occurred initially off school grounds.

A complaint may also initially be filed through the District's online anonymous incident reporting system. However, anonymous complaints may be more difficult to investigate.

#### Alternates

The Board shall appoint more than one Title IX Officer. The Complainant will have a choice of which Title IX Officer to approach regarding a Title IX Complaint. Should the complaint be about a District administrator, the Superintendent of Schools shall review and investigate the complaint.

If the complaint is about the Superintendent of Schools, the Board of Education shall conduct all review and investigation activities.

All investigations shall be conducted promptly and in such a manner as to ensure confidentiality to the maximum extent permissible and that the complainant and/or any witness is not embarrassed or subjected to retaliation. The Title IX Officer shall explain to the complaining the student the right to be free from retaliation or retribution and that confidentiality shall be maintained throughout the process by all involved, except as necessary to assure fair and due process.

The Title IX Officer shall conduct an intake interview and explain the following options to the alleged victims for resolution.

If the District's investigation supports the complaint, immediate ~~and~~ corrective action shall be taken. Should the offending individual be a school employee, appropriate disciplinary measures shall be applied, up to and including termination of the offender's employment in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures shall be applied, up to and including suspension/expulsion pursuant to the District's Student Code of Conduct.

The Board prohibits any retaliatory behavior directed against the complainant and/or witnesses. Follow-up inquiries by the Principal, ~~or the~~ Assistant Superintendent of Human Resources and Leadership Development or the Assistant Superintendent for Business shall be made to ensure that the harassment or discrimination based upon sexual orientation or gender has not resumed and that the victims and/or witnesses have not suffered retaliation.

The Superintendent of Schools shall develop a regulation which further sets forth the procedure for filing and investigating a complaint. The regulation shall also assure the annual training of officers, employees and students regarding the policy and regulation. A copy of this policy and its regulation for investigating sexual and/or gender based complaints shall be available on the District's website and electronically or manually distributed to all personnel, middle school students, high school student and their parents/guardians and posted in appropriate places within the District. This policy shall be disseminated and reviewed during staff and student orientations, mailing and upon receipt of complaints. Elementary age students shall be provided with age appropriate materials and training.

#### Office for Civil Rights

Complaints may also be made to the United States Department of Education, Office for Civil Rights. The regional office is located at 32 Old Slip, 25<sup>6</sup>~~th~~ Floor, New York, New York 10005-2500. Phone 646-428-~~3800906~~. Website: OCR.NewYork@www2.ed.gov/OCR.

*Revised: July 6, 2004*

*Adopted by Board of Education: February 15, 1994*

*1<sup>st</sup> Reading – Revision March 28, 2018*

*2<sup>nd</sup> Reading – Revision April 11, 2018*