SUBJECT: SMOKING/TOBACCO USE

~~**School Grounds**~~

~~Tobacco use will not be permitted and no person will~~ The use of tobacco products is prohibited on school grounds. Smoking and vaping are prohibited on school grounds ~~or~~and within 100 feet of the entrances, exits, or outdoor areas of any ~~public or private elementary or secondary~~of the District's schools. ~~However, this does not apply to smoking in a residence, or within the real property boundary lines of residential real property.~~ In addition, the use of tobacco products, smoking, and vaping are prohibited at any school-sponsored event or activity that occurs off school grounds, including those taking place in another state.

For purposes of this policy, the following definitions apply:

a) Tobacco ~~"school~~ products means one or more cigarettes or cigars, bidis, chewing tobacco, powdered tobacco, nicotine water, or any other tobacco products.

b) Smoking means the burning of a lighted cigar, cigarette, pipe, or any other matter or substance containing tobacco.

c) Vaping means the use of an electronic cigarette.

d) Electronic cigarette (or e-cigarette) means an elctronic device delivering vapor inhaled by an individual user, and includes any refill, cartridge, and any other component of such a device.

e) School grounds~~"~~ means any building, structure, and surrounding outdoor grounds, including entrances or exits, contained within the District's preschool, nursery school, elementary, or secondary school's legally defined property boundaries as registered in the County Clerk's Office~~; as well as all District vehicles, including~~, as well as any vehicles used to transport children or school personnel.

~~"Tobacco" is defined to include any lighted or unlighted cigarette, cigar, cigarillo, pipe, bidi, clove cigarette, spit/spitless tobacco and any other smoking or tobacco product, (smokeless, dip, chew, snus and/or snuff) in any form.~~

~~The District also prohibits~~ This policy does not apply to smoking or vaping in a residence, or within the real property boundary lines of residential real property.

~~Use of electronic cigarettes or e-cigarettes, and any refill, cartridges and any other component of an electronic cigarette or e-cigarette (collectively known as e-cigarette) on school grounds or in District vehicles.~~

~~The use of vaporizers or any other products containing nicotine, except for current FDA-approved smoking cessation products, are also prohibited.~~

~~**Off-School Grounds**~~

~~Tobacco use and e-cigarette use is prohibited by students at any school sponsored event or activity off school grounds.~~

~~Posting~~/Public Notification of Policy

~~In compliance with the New York State Clean Indoor Air Act, t~~The District will prominently post ~~its Smoking/Tobacco Use policy and~~ signs prohibiting ~~all forms of tobacco products in District buildings and other appropriate locations; and will supply a copy upon request to any current or prospective employees~~smoking and vaping on school grounds in accordance with applicable law. The District will also designate a school official to tell individuals ~~who smoke~~found smoking or vaping in a non-smoking area that they are in violation of ~~the New York State Public Health Law, Education Law, the federal Pro-Children Act of 1994,~~ law and District policy.

The District will ~~also ensure that~~communicate this policy ~~is communicated~~ to staff, students, parents/guardians, volunteers, ~~and~~ visitors, ~~as deemed appropriate in order to orient all persons to~~ contractors, and outside groups through means such as the District's ~~"No Smoking" Policy and environment~~*Code of Conduct,* student handbooks, newsletters, announcements, facilities use forms/agreements, and/or the prominent display of this policy in appropriate locations.

Prohibition of Tobacco Promotional Items/Tobacco Advertising

Tobacco promotional items (e.g., brand names, logos, and other identifiers) are prohibited:

(Continued)

SUBJECT: SMOKING/TOBACCO USE (Cont'd.)

a) On school grounds;

b) In ~~school~~any vehicles used to transport students or school personnel;

c) At school-sponsored events or activities, including those that take place off school ~~premises and~~grounds, including in another state;

d) In school publications;

e) On clothing, shoes, accessories, gear, and school supplies in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

This prohibition of tobacco promotional items will be enforced in accordance with the District's *Code of Conduct* and applicable collective bargaining agreements.

~~In addition, tobacco advertising is also prohibited in all school sponsored publications and at all school sponsored events.~~ The District will request, whenever possible, tobacco free editions of periodical publications for school libraries and classroom use.

~~Safe and Drug Free Schools and Communities Act, 20 USC § 7101 et seq.~~
~~Pro-Children Act of 2001,~~ 20 USC §§ 6081-6084, 7971-7974, ~~7181-7184, as amended by the Every Student Succeeds Act (ESSA) of 2015~~
Education Law §~~§~~ 409~~, 2801(1) and 3020-a~~
Public Health Law ~~Article 13-E, Article 13-F,~~ §§ 1399-~~aa(13)~~n, 1399-o, 1399-p and 1399-aa
8 NYCRR §§ 155.5, 156.3

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials and Equipment
~~#3410 -- Code of Conduct~~
#7320 -- Alcohol, Tobacco, Drugs, and Other Substances
~~#8210 -- Safety Conditions and Prevention Instruction~~
#8240 -- Instruction in Certain Subjects
District *Code of Conduct*

Adoption Date

SUBJECT: TEMPORARY PERSONNEL

The District's needs sometimes require temporary appointments. The terms of these appointments will be defined by the Board on a case-by-case basis.

Student Teachers

The District will cooperate with teacher training institutions in the placement of student teachers to provide beginning teachers with the best possible student teaching experience.

Schools are required to allow student teachers to videotape themselves providing instruction in a classroom to meet part of their performance assessment requirements for teaching certification. The video must remain confidential, is a confidential record of the New York State Education Department (SED), and is not subject to viewing or disclosure to an individual or entity other than the student teacher applicant and relevant SED personnel.

~~Student teachers will be protected from liability for negligence or other acts resulting in accidental injury to any person by the District, as provided by law.~~

Substitute Teachers

The Superintendent will employ appropriately qualified substitute teachers. A substitute teacher is employed in the place of a regularly appointed teacher who is absent, but is expected to return.

The Board will annually establish the rate for per diem substitute teachers.
~~A fully qualified substitute teacher will be employed, whenever possible, by the Superintendent in the absence of a regular teacher. It is recognized that fully certified persons will not always be available for employment as substitute teachers.~~

~~**Eligibility for Service**~~

~~There are three categories of substitutes:~~

~~a) Substitutes with valid teaching certificates or certificates of qualification may serve in any capacity for any number of days. If employed on more than an itinerant basis, these substitutes will be employed in their certification area.~~

~~b) Substitutes without a valid certificate, but who are completing collegiate study towards certification at the rate of not less than six semester hours per year may serve in any capacity for any number of days, in any number of school districts. If employed on more than an itinerant basis, these substitutes will be employed in their anticipated certification area.~~

~~c) Substitutes without a valid certificate and who are not working toward certification may serve for no more than 40 days per school year. In extreme circumstances – where there is an urgent need for a substitute teacher – however, the District may employ this substitute teacher beyond the 40-day limit, for up to an additional 50 days (90 days total in a school year), if the Superintendent certifies that the District conducted a good faith recruitment search and there are no certified teachers available who can perform the duties of the position.~~

New York State recognizes the following three categories of substitute teachers:

a) Substitutes with valid NYS teaching certificates or certificates of qualification. A substitute teacher in this category may be employed in any capacity, for any number of days, in any number of school districts. However, if employed for more than 40 days by a school district in any given school year, the substitute teacher must be employed in the area for which they are certified.

b) Substitutes without a valid NYS certificate, but who are completing collegiate study toward NYS certification at the rate of not less than six semester hours per year. A substitute teacher in this category may be employed in any capacity, for any number of days, in any number of school districts. However, if employed for more than 40 days by a school district in any given school year, the substitute teacher must be employed in the area for which they are seeking certification.

c) Substitutes without a NYS valid certificate and who are not working towards NYS certification. A substitute teacher in this category may be employed in any capacity, but is limited to 40 days in one school district in any school year.

~~(Continued)~~

~~**SUBJECT: TEMPORARY PERSONNEL (Cont'd.)**~~

~~In even more rare circumstances, the District may hire this substitute teacher beyond the 90 days only if the Superintendent attests that the District conducted a good-faith recruitment search, but there are still no certified teachers available who can perform the duties of the position and that the District needs a particular substitute teacher to work with a specific class or group of students until the end of the school year.~~

~~The Board will annually establish the rate for per diem substitute teachers.~~

~~Reporting~~

~~The Superintendent will submit an annual report to the Commissioner concerning the employment of all uncertified teachers. The report will include:~~

~~a) The number of substitute teachers authorized to be employed beyond the 40-day limit.~~

~~b) The number of substitute teachers authorized to be employed beyond the 90-day limit.~~

~~c) The required good-faith recruitment certifications for all teachers employed beyond the 40-day and 90-day limits.~~

Education Law § 3023
8 NYCRR §§ 80-1.5 and 80-5.4

Adoption Date

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE

The District recognizes the importance of educational stability for students in foster care and will collaborate, as appropriate, with the State Education Department (SED) and the local Department of Social Services (LDSS) to ensure that students in foster care have the same opportunity to achieve at the high-levels as their peers. For purposes of this policy, LDSS also refers to the local Social Services District or the local child welfare agency.

Definitions

a) **Child or youth in foster care** ("student in foster care") means a child who is in the care and custody or custody and guardianship of a local Commissioner of Social Services or the Commissioner of the Office of Children and Family Services.

b) **Feeder school** means:

1. A preschool whose students are entitled to attend a specified elementary school or group of elementary schools upon completion of that preschool;

2. A school whose students are entitled to attend a specified elementary, middle, intermediate, or high school or group of specified elementary, middle, intermediate, or high schools upon completion of the terminal grade of such school; or

3. A school that sends its students to a receiving school in a neighboring school district pursuant to applicable laws and regulations.

c) **Foster care** means 24-hour substitute care for children placed away from their parents or guardians and for whom the state or tribal child welfare agency has placement and care responsibility. This includes, but is not limited to, placements in foster family homes, foster homes of relatives, group homes, emergency shelters, residential facilities, child care institutions, and pre-adoptive homes. A child is in foster care regardless of whether the foster care facility is licensed and payments are made by the state, tribal or local agency for the care of the child, whether adoption subsidy payments are being made prior to the finalization of an adoption, or whether there is federal matching of any payments that are made.

d) **Preschool** means a publicly funded prekindergarten program administered by SED or a local educational agency or a Head Start program administered by a local educational agency and/or services under the Individuals with Disabilities Education Act (IDEA) administered by a local educational agency.

e) **Receiving school** means:

1. A school that enrolls students from a specified or group of preschools, elementary schools, middle schools, intermediate schools, or high schools; or

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

2. A school that enrolls students from a feeder school in a neighboring local educational agency pursuant to applicable laws and regulations.

f) **School district of origin** means the school district within New York State in which the child or youth in foster care was attending a public school or preschool on a tuition-free basis or was entitled to attend at the time of placement into foster care when the Social Services District or the Office of Children and Family Services assumed care and custody or custody and guardianship of such child or youth, which is different from the school district of residence.

g) **School district of residence** means the public school district within New York State in which the foster care placement is located, which is different from the school district of origin.

h) **School of origin** means a public school that a child or youth attended at the time of placement into foster care, or the school in which the child or youth was last enrolled, including a preschool or a charter school. For a child or youth in foster care who completes the final grade level served by the school of origin, the term school of origin will include the designated receiving school at the next grade level for all feeder schools. Where the child is eligible to attend school in the school district of origin because the child was placed in foster care after such child is eligible to apply, register, or enroll in the public preschool or kindergarten or the child is living with a school-age sibling who attends school in the school district of origin, the school of origin will include any public school or preschool in which such child would have been entitled or eligible to attend based on such child's last residence before the circumstances arose which caused such child to be placed in foster care.

District Foster Care Liaison

The District will designate an appropriate staff person to act as the District's point of contact for students in foster care (i.e., the "Foster Care Liaison"). The Foster Care Liaison will not be the same staff person as the McKinney-Vento Liaison unless the McKinney-Vento Liaison has sufficient ability to carry out the responsibilities of both roles.

The Foster Care Liaison will work collaboratively with representatives from the LDSS.

The District will ensure that the name and contact information for the Foster Care Liaison are:

a) Submitted to SED;

b) Provided, in writing, to the point of contact for any LDSS known by the District to have students in its custody; and

c) Posted on the District website.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

Designation of School District and School

The LDSS, in consultation with the appropriate local educational agency or agencies, will determine whether placement in the school district of origin or the school district of residence is in the best interest of a student in foster care. Provided that the District is an appropriate local educational agency, the District will work with the LDSS to make the best interest determination as quickly as possible in order to prevent educational discontinuity for the student. If the student has an Individualized Education Program (IEP), a Section 504 plan, or is an English language learner, relevant school staff may be consulted during the best interest determination process.

To the extent feasible and appropriate, the student should remain in his or her school of origin while the best interest determination is being made.

Subject to a best interest determination, a student in foster care is entitled to attend the school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in that building.

Where the school district of origin or school of origin that a student was attending on a tuition-free basis, or was entitled to attend when the student entered foster care is located, in New York State and the student's foster care placement is located in a contiguous state, the student is entitled to attend his or her school of origin or any school that children and youth who live in the attendance area in which the foster care placement is located are eligible to attend, including a preschool, subject to a best interest determination, for the duration of the student's placement in foster care and until the end of the school year in which he or she is no longer in foster care, and for one additional year if that year constitutes the student's terminal year in such building.

Responsibilities When Designated as the School District of Attendance

If the District is designated as the school district of attendance for a student in foster care, the District will immediately:

a) Enroll the student in foster care, even if the student is unable to produce records which are normally required for enrollment, such as previous academic records, records of immunization and/or other required health records, proof of residency or other documentation and/or even if the student has missed application or enrollment deadlines during any period of placement in foster care, if applicable;

b) Treat the student in foster care as a resident for all purposes; and

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

c) Make a written request to the school district where the student's records are located in order to obtain a copy of the student's records and coordinate the transmittal of these records in accordance with applicable laws and regulations.

Request for Records

Within five days of receipt of a request for school records from a new school, the District will forward, in a manner consistent with federal and state law, a complete copy of the records of the student in foster care, including, but not limited to: proof of age; academic records; evaluations; immunization records; and guardianship papers (if applicable).

Tuition Reimbursement

Except as otherwise provided in law or regulation, the cost of instruction of a student in foster care will be borne by the school district of origin. Where a district other than the school district of origin is designated as the school district of attendance, the cost of instruction will be borne by the school district of origin and the tuition paid to the designated school district of attendance will be computed in accordance with applicable laws and regulations.

Transportation Responsibilities

Any student in foster care who requires transportation in order to attend his or her school of origin, is entitled to receive that transportation.

As appropriate, the District will coordinate and collaborate with the LDSS to make an appropriate transportation plan that supports the student's school stability plan and is fair to the District's taxpayers, consistent with the District's obligations under federal and state law.

When the District is the designated school district of attendance, and the student requires transportation to attend his or her school of origin, the District will provide transportation to and from the student's foster care placement location and the school of origin. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When the District is the school district of residence and the designated school district of attendance, and the student does not attend his or her school of origin, the District will provide transportation on the same basis as provided to resident students. The costs for transportation may be aidable pursuant to applicable laws and regulations.

When transporting students in foster care, the District may incur excess transportation costs, as defined by law. The District and the LDSS may enter into a written agreement relating to how excess transportation costs should be funded, consistent with applicable laws and regulations. Absent such an

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

agreement, excess transportation costs incurred by the District will be shared equally between the LDSS responsible for the foster care costs of the student and the designated school district of attendance. The District and the LDSS will consider and utilize all allowable funding sources, including any available federal funds, to cover excess transportation costs.

Where a student in foster care has been placed in foster care in a contiguous state, and the District is the designated district of attendance, the District will collaborate with the LDSS to arrange for transportation.

Where the School of Origin is a Charter School

Where the school of origin is a charter school, the school district designated as the school district of attendance for a student in foster care will be deemed to be the school district of residence for the student for purposes of fiscal and programmatic responsibility and will be responsible for transportation of the student in foster care. If the designated school district of attendance is not the school district of origin, the designated school district of attendance may seek reimbursement from the school district of origin in accordance with applicable laws and regulations.

Dispute Resolution Process

To the extent feasible and appropriate, the District will ensure that a student in foster care remains in his or her school of origin while any dispute is being resolved in order to minimize disruptions and reduce the number of moves between schools.

Coordination with Other Agencies

The District will coordinate the provision of services described in this policy, as appropriate, with agencies or programs providing services to students in foster care.

The District will coordinate with other school districts on inter-district issues, such as transportation or transfer of school records.

The District will coordinate implementation of the above provision of services with the requirements of IDEA for students with disabilities.

Comparable Services

Each student in foster care will be provided services comparable to other students in the school of attendance, including: transportation services; educational services for which the student meets eligibility criteria; educational programs for students with disabilities; educational programs for English learners; programs in career and technical education; programs for gifted and talented students; and school nutrition programs.

(Continued)

SUBJECT: EDUCATION OF STUDENTS IN FOSTER CARE (Cont'd.)

Student Privacy

As appropriate, the District will collaborate with SED and/or the LDSS to determine what documentation related to a student in foster care should be shared among involved parties. In all cases, the District will comply with all statutory requirements to protect student privacy, including the Family Educational Rights and Privacy Act (FERPA) and any other applicable privacy requirements under federal, state, or local laws.

45 USC § 6312
45 CFR § 1355.20(a)
US DOE, Non-Regulatory Guidance: Ensuring Stability for Children in Foster Care (June 23, 2016)
Education Law §§ 3202 and 3244
Memorandum from NY St. Educ. Department on Educational Stability and Transportation Provisions for Students in Foster Care Memo (December 2, 2016)

NOTE: Refer also to Policies #5660 -- Meal Charging and Prohibition Against Meal Shaming
#7240 -- Student Records: Access and Challenge

Adoption Date

SUBJECT: ALCOHOL, TOBACCO, DRUGS, AND OTHER SUBSTANCES

The Board recognizes that the misuse of alcohol, drugs, tobacco, electronic cigarettes (e-cigarettes), and other illegal substances is a serious problem with legal, physical, emotional, and social implications for our students, as well as the entire community. Therefore, the consumption, sharing, selling, use, or possession of alcoholic beverages, tobacco products, e-cigarettes, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs is prohibited at any school-sponsored function, on school grounds, and on school buses at all times. The unauthorized use or misuse of prescription and over-the-counter drugs, vitamins, supplements, herbs, or other similar substances is also prohibited.

Students are not permitted to be under the influence of alcohol or other prohibited substances on school grounds or at school-sponsored events. A school-sponsored function includes a school sponsored or school-authorized extracurricular event or activity regardless of where the event or activity takes place.

~~**Smoking**~~

~~Smoking is not permitted and no person is permitted to smoke within 100 feet of the entrance, exits, or outdoor areas of any public or private elementary or secondary schools. However, this prohibition does not apply to smoking in a residence or within the real property boundary lines of residential real property. Similarly, the use of e-cigarettes is prohibited on school grounds, as defined in Public Health Law.~~

Non-Medical Use of Prescription Drugs

Non-medical use of prescription drugs is prohibited. If a student is found to be in possession of these substances, he or she will be disciplined in accordance with the District *Code of Conduct*.

Disciplinary Measures

Disciplinary measures for students consuming, sharing, selling, using, or possessing alcoholic beverages, tobacco products, e-cigarettes, illegal drugs, counterfeit and designer drugs, or paraphernalia for the use of these drugs are outlined in the District *Code of Conduct*.

Education Law §§ 409 and 2801(1)
Public Health Law § 1399-o

NOTE: Refer also to Policies #3280 -- Use of School Facilities, Materials, and Equipment
#3410 -- Code of Conduct
#5640 -- Smoking/Tobacco Use
#8210 -- Safety Conditions and Prevention Instruction
District *Code of Conduct*

Adoption Date

SEXUAL HARASSMENT OF DISTRICT PERSONNEL

A. PURPOSE AND APPLICATION

1. The District is committed to maintaining a workplace free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. Sexual harassment is a form of workplace discrimination. All employees are required to work in a manner that prevents sexual harassment in the workplace.

2. This Policy is one component of the District's commitment to a discrimination-free work environment. Sexual harassment is against the law and all employees have a legal right to a workplace free from sexual harassment and employees are urged to report sexual harassment by filing a complaint internally with the District. Employees can also file a complaint with a government agency or in court under federal, state or local antidiscrimination laws.

3. This District policy applies to all employees, applicants for employment, interns, whether paid or unpaid, contractors and persons conducting business, regardless of immigration status, with the District. In the remainder of this document, the term "employees" refers to this collective group. A non-employee is someone who is (or is employed by) a contractor, subcontractor, vendor, consultant, or anyone providing services in the workplace. Protected non-employees include persons commonly referred to as independent contractors, "gig" workers and temporary workers. Also included are persons providing equipment repair, cleaning services or any other services provided pursuant to a contract with the employer.

4. Sexual harassment will not be tolerated. Any employee or individual covered by this policy who engages in sexual harassment or retaliation will be subject to remedial and/or disciplinary action (e.g., counseling, suspension, termination). All complaints will be handled in a manner consistent with the District's policies, procedures, and/or regulations regarding the investigation of discrimination and harassment complaints, including Policy No.: 3420 – Non-Discrimination and Anti-Harassment in the District.

5. Retaliation Prohibition: No person covered by this Policy shall be subject to adverse action because the employee reports an incident of sexual harassment, provides information, or otherwise assists in any investigation of a sexual harassment complaint. The District will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected sexual harassment. Any employee of the District who retaliates against anyone involved in a sexual harassment investigation will be subjected to disciplinary action, up to and including termination. All employees, paid or unpaid interns, or non-employees working in the workplace who believe they have been subject to such retaliation should inform a supervisor, manager, or with the District's Civil Rights Compliance Officer (CRCO). In the event that the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated an additional individual to serve in that capacity, or to the Superintendent.

SEXUAL HARASSMENT OF DISTRICT PERSONNEL

6. Additional information regarding the District's discrimination and harassment complaint and grievance procedures, including, but not limited to, the designation of the CRCO, knowingly making false accusations, and possible corrective actions can be found in Policy No.: 3420 -- Non-Discrimination and Anti-Harassment in the District.

7. All employees, paid or unpaid interns or non-employees who believe they have been a target of such retaliation may also seek relief in other available forums, as explained below in the section on Legal Protections.

8. Sexual harassment is offensive, is a violation of our policies, is unlawful, and may subject the District to liability for harm to targets of sexual harassment. Harassers may also be individually subject to liability. Employees of every level who engage in sexual harassment, including managers and supervisors who engage in sexual harassment or who allow such behavior to continue, will be penalized for such misconduct.

9. The District will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about sexual harassment, or otherwise knows of possible sexual harassment occurring. The District will keep the investigation confidential to the extent possible. Effective corrective action will be taken whenever sexual harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of sexual harassment.

10. All employees are encouraged to report any harassment or behaviors that violate this policy. The District will provide all employees a complaint form for employees to report harassment and file complaints.

11. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the District's Civil Rights Compliance Officer (CRCO). In the event that the CRCO is the alleged offender, the report will be directed to another CRCO, if the District has designated an additional individual to serve in that capacity, or to the Superintendent.

12. This policy applies to all employees, paid or unpaid interns, and non-employees and all must follow and uphold this policy. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable (for example, in a main office, not an offsite work location) and be provided to employees upon hiring.

B. WHAT IS "SEXUAL HARASSMENT"?

1. Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

SEXUAL HARASSMENT OF DISTRICT PERSONNEL

2. Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex when:

    a. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;

    b. Such conduct is made either explicitly or implicitly a term or condition of employment; or

    c. Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual's employment.

3. A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence which are of a sexual nature, or which are directed at an individual because of that individual's sex. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone which are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation, which interfere with the recipient's job performance.

4. Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called "quid pro quo" harassment.

5. Any employee who feels harassed should report so that any violation of this policy can be corrected promptly. Any harassing conduct, even a single incident, can be addressed under this policy.

C. EXAMPLES OF SEXUAL HARASSMENT

1. The following describes some of the types of acts that may be unlawful sexual harassment and that are strictly prohibited:

    a. Physical acts of a sexual nature, such as:

        i. Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee's body or poking another employee's body;

        ii. Rape, sexual battery, molestation or attempts to commit these assaults.

    b. Unwanted sexual advances or propositions, such as:

SEXUAL HARASSMENT OF DISTRICT PERSONNEL

i. Requests for sexual favors accompanied by implied or overt threats concerning the target's job performance evaluation, a promotion or other job benefits or detriments;

ii. Subtle or obvious pressure for unwelcome sexual activities.

c. Sexually oriented gestures, noises, remarks or jokes, or comments about a person's sexuality or sexual experience, which create a hostile work environment.

d. Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people's ideas or perceptions about how individuals of a particular sex should act or look.

e. Sexual or discriminatory displays or publications anywhere in the workplace, such as displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes such sexual displays on workplace computers or cell phones and sharing such displays while in the workplace.

f. Hostile actions taken against an individual because of that individual's sex, sexual orientation, gender identity and the status of being transgender, such as:

i. Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the individual's ability to perform the job;

ii. Sabotaging an individual's work;

iii. Bullying, yelling, name-calling.

2. Sexual harassment can occur between any individuals, regardless of their sex or gender. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

3. Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

SEXUAL HARASSMENT OF DISTRICT PERSONNEL

D. RETALIATION

1. Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (e.g., threats of physical violence outside of work hours).

2. Such retaliation is unlawful under federal, state, and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has:

   a. made a complaint of sexual harassment, either internally or with any anti-discrimination agency;

   b. testified or assisted in a proceeding involving sexual harassment under the Human Rights Law or other anti-discrimination law;

   c. opposed sexual harassment by making a verbal or informal complaint to management, or by simply informing a supervisor or manager of harassment; reported that another employee has been sexually harassed; or

   d. encouraged a fellow employee to report harassment.

3. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment.

E. REPORTING SEXUAL HARASSMENT

1. Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless it knows about it. Any employee, paid or unpaid intern or non-employee who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor, manager or CRCO. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor, manager or CRCO.

2. Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all employees are encouraged to use this complaint form. Employees who are reporting sexual harassment on behalf of other employees should use the complaint form and note that it is on another employee's behalf.

SEXUAL HARASSMENT OF DISTRICT PERSONNEL

3. Employees, paid or unpaid interns or non-employees who believe they have been a target of sexual harassment may also seek assistance in other available forums, as explained below in the section on Legal Protections.

Supervisory Responsibilities

4. All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason suspect that sexual harassment is occurring, are required to report such suspected sexual harassment to CRCO.

5. In addition to being subject to discipline if they engaged in sexually harassing conduct themselves, supervisors and managers will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

6. Supervisors and managers will also be subject to discipline for engaging in any retaliation.

Complaint and Investigation of Sexual Harassment

7. All complaints or information about sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.

8. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. The investigation will be kept confidential to the extent possible. All persons involved, including complainants, witnesses and alleged harassers will be accorded due process, as outlined below, to protect their rights to a fair and impartial investigation.

9. Any employee may be required to cooperate as needed in an investigation of suspected sexual harassment. The District will not tolerate retaliation against employees who file complaints, support another's complaint or participate in an investigation regarding a violation of this policy.

10. While the process may vary from case to case, investigations should be done in accordance with the following steps:

    a. Upon receipt of complaint, CRCO will conduct an immediate review of the allegations, and take any interim actions (e.g., instructing the respondent to refrain from communications with the complainant), as appropriate. If complaint is verbal,

is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

13. In addition to those outlined below, employees in certain industries may have additional legal protections.

State Human Rights Law (HRL)

14. The Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., applies to all employers in New York State with regard to sexual harassment, and protects employees, paid or unpaid interns and non-employees, regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the Division of Human Rights (DHR) or in New York State Supreme Court.

15. Complaints with DHR may be filed any time within one year of the harassment. If an individual did not file at DHR, they can sue directly in state court under the HRL, within three years of the alleged sexual harassment. An individual may not file with DHR if they have already filed a HRL complaint in state court.

16. Complaining internally to the District does not extend your time to file with DHR or in court. The one year or three years is counted from date of the most recent incident of harassment.

17. You do not need an attorney to file a complaint with DHR, and there is no cost to file with DHR.

18. DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, DHR has the power to award relief, which varies but may include requiring your employer to take action to stop the harassment, or redress the damage caused, including paying of monetary damages, attorney's fees and civil fines.

19. DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458. You may call (718) 741-8400 or visit: www.dhr.ny.gov.

20. Contact DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to DHR. The website also contains contact information for DHR's regional offices across New York State.

SEXUAL HARASSMENT OF DISTRICT PERSONNEL

Civil Rights Act of 1964

21. The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. There is no cost to file a complaint with the EEOC. The EEOC will investigate the complaint, and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

22. The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred. In general, private employers must have at least 15 employees to come within the jurisdiction of the EEOC.

23. An employee alleging discrimination at work can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (TTY: 1-800-669-6820), visiting their website at www.eeoc.gov or via email at info@eeoc.gov.

24. If an individual filed an administrative complaint with DHR, DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

Contact the Local Police Department

25. If the harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

Legal Ref: Civil Rights Act of 1991, 42 USC §1981(a); 29 CFR §1604.11(a); Civil Service Law §75-B; Labor Law §§209-g, 296-d; Gen Obligations §5-336; CPLR §§5003-b, 7515; Finance §139-l; Public Officer §17-a; Executive Law §§296, 297; Title VII of the Civil Rights Act of 1964, 42 USC §2000e et seq., Title IX of the Education Amendments of 1972, 20 USC §1681 et. seq.; and 34 CFR §100 et seq.

Adopted: 1992

Revised: 1/9/07; 10/28/08; 1/9/18; 11/___/18

_____ SCHOOL DISTRICT
COMPLAINT FORM FOR SEXUAL HARASSMENT IN THE WORKPLACE

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Civil Rights Compliance Officer (CRCO). You will not be retaliated against for filing a complaint. Questions regarding the completion or submission of this form can be directed to the District's CRCO or a trusted staff member with whom you feel comfortable.

If you are more comfortable reporting verbally or in another manner, the person to whom you report the sexual harassment should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____ Work Phone: _____

_____

Job Title: _____ Email: _____

Selected Preferred Communication Method: [ ] Email [ ] Phone [ ] In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____

Title: _____

Work Phone:_____ Work Address: _____

_____

COMPLAINT INFORMATION

1) Your complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

_____

Relationship to you: [ ] Supervisor [ ] Subordinate [ ] Co-Worker [ ] Other

(Continued)

_____ SCHOOL DISTRICT
COMPLAINT FORM FOR SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

2) Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

_____

_____

_____

3) Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? [ ] Yes [ ] No

4) Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

_____

_____

_____

The last question is optional, but may help the investigation.

5) Have you previously complained or provided information (verbal or written) about related incidents? If yes, when and to whom did you complain or provide information?

_____

_____

If you have retained legal counsel and would like us to work with them, please provide their contact information.

_____

_____

Signature: _____ *Date*: _____

Instructions for the District

After receiving a complaint about alleged sexual harassment, follow the District's sexual harassment prevention policies and procedures.

(Continued)

_____ SCHOOL DISTRICT
COMPLAINT FORM FOR SEXUAL HARASSMENT IN THE WORKPLACE (Cont'd.)

Generally, an investigation involves:

1) Speaking with the employee;

2) Speaking with the alleged harasser;

3) Interviewing witnesses; and

4) Collecting and reviewing any related documents.

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document the findings of the investigation and basis for the District's decision along with any corrective actions taken and notify the complainant and the individual(s) against whom the complaint was made. This may be done via email.