

HARASSMENT & DISCRIMINATION

Any student or employee or visitor may be subject to harassment by any other student or employee or visitor on school grounds or at school functions.

Examples may include, but are not limited to:

- unwanted behavior which may include touching, verbal comments, gestures, blocking a person's movement, attempted rape and rape
- a female in a predominantly male environment subjected to remarks by males who may regard such comments as joking, or the converse
- the questioning of a person's ability to handle work traditional to the opposite gender or suggesting that the person is "abnormal" for attempting to do so

(1) Procedures

Anyone – student, employee or visitor – who believes s/he has been subjected to harassment or discrimination or who knows of such shall report the incident to a counselor, the building principal or the Superintendent of Schools. The complainant has the option of speaking to a counselor or administrator of the same sex. Upon receipt of an allegation of a complaint of harassment or discrimination, a prompt, thorough and impartial investigation must follow.

(A) Method of Filing Complaints

- (1) A form detailing all relevant information must be filed with the building principal or superintendent of schools (Exhibit 1020)
- (2) Original reports, investigation notes, witness statements and other evidence obtained by administrators shall be included in the file
- (3) The alleged harasser is notified and given the opportunity to admit, deny or explain the allegations. Parents or guardians of a student must have the option of being present during questioning. An employee who may be subject to disciplinary action as a result of a complaint of harassment is entitled to union representation during questioning and shall be notified in advance of such right

(B) Voluntary Resolution

- (1) When, in the judgment of the superintendent of schools, a voluntary resolution would be satisfactory in lieu of disciplinary action, the building principal or superintendent of schools, or designee, may discuss the option of voluntary resolution with the complainant
- (2) If the complainant indicates that voluntary remedial action by the alleged harasser may resolve the complaint, the possible remedial action will be discussed with the alleged harasser
- (3) If both the complainant and the alleged harasser agree to voluntary remedial action to resolve the complaint, the voluntary resolution shall be put in writing and signed by both parties and the administrator who facilitated the agreement. A copy shall be provided to both parties and shall be retained in the file

RULES APPROVED: February 2, 2000

WAYNE CENTRAL SCHOOL DISTRICT
Ontario Center, New York 14520

(continued)

HARASSMENT & DISCRIMINATION (continued)**(B) Voluntary Resolution** (continued)

(4) No disciplinary action may be taken against the alleged harasser on the basis of a case closed by voluntary resolution except in the event of any breach of the agreement by the alleged harasser. The complainant, any investigation notes and the agreement shall be admissible as evidence of a pattern of conduct in the event of a subsequent complaint against the harasser.

(C) Involuntary Resolution

- (1) When, in the judgment of the superintendent of schools, a voluntary resolution would not be satisfactory in lieu of disciplinary action, or when the complainant and the alleged harasser are unable to reach agreement concerned a voluntary resolution, the superintendent of schools, or designee, shall determine whether or not harassment has occurred and issue written findings. Both the complainant and the alleged harassed shall be given a copy of the superintendent's written findings.
- (2) The Board of Education shall be notified if it is determined that sexual harassment has taken place.
- (3) Immediate and appropriate action shall be taken based on the determination, which may range from counseling to dismissal of an employee, counseling to suspension of a student, and warning to revocation of privileges of a visitor