

# POLICY

Spencerport Central School District

2003

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Community Relations

## **SUBJECT: ANTI-HARASSMENT IN THE SCHOOL DISTRICT**

The Board of Education affirms its commitment to nondiscrimination and recognizes its responsibility to provide an environment that is free of harassment and intimidation. Harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of harassment on the basis of race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital or veteran status, or disability by employees, school volunteers, students, and non-employees such as contractors and vendors as well as any third parties who are participating in, observing, or otherwise engaging in activities subject to the supervision and control of the District.

Sexual orientation is defined as heterosexuality, homosexuality, bisexuality, or asexuality, whether actual or perceived.

The Board also prohibits harassment based on an individual's opposition to discrimination or participation in a related investigation or complaint proceeding under the anti-discrimination statutes. This policy of nondiscrimination and anti-harassment will be enforced on School District premises and in school buildings; and at all school-sponsored events, programs and activities, including those that take place at locations off school premises.

It is intended that this policy apply to the dealings between or among employees with employees; employees with students; students with students; employees/students with vendors/contractors and others who do business with the District, as well as school volunteers, visitors, guests and other third parties.

For purposes of this policy, harassment shall mean communication (verbal, written or graphic) and/or physical conduct based on an individual's actual or perceived race, color, creed, religion, national origin, political affiliation, sex, sexual orientation, age, marital or veteran status, or disability that:

- a) Has the purpose or effect of substantially or unreasonably interfering with an individual's work performance or is used as a basis for employment decisions (including terms and conditions of employment) affecting such individual; and/or creates an intimidating, hostile or offensive work environment;
- b) Has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creates an intimidating, hostile or offensive learning environment; and/or effectively bars the student's access to an educational opportunity or benefit;

- c) Otherwise adversely affects the employment and/or educational opportunities and benefits provided by the District.

The District will act to promptly investigate all complaints, either verbal or written, formal or informal, of allegations of harassment based on any of the characteristics described above; and will promptly take appropriate action to protect individuals from further harassment.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee, student, or other previously identified party who believes he/she has been a victim of harassment in the school environment and/or at programs, activities and events under the control and supervision of the District, as well as any individual who is aware of and/or who has knowledge of, or witnesses any possible occurrence of harassment, immediately report such alleged harassment; such report shall be directed to or forwarded to the District's designated complaint officer(s) through informal and/or formal complaint procedures as developed by the District. Such complaints are recommended to be in writing, although verbal complaints of alleged harassment will also be promptly investigated in accordance with the terms of this policy. In the event that the complaint officer is the alleged offender, the report will be directed to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the District will conduct a thorough investigation of the charges. However, even in the absence of an informal/formal complaint, if the District has knowledge of any occurrence of harassment, the District will investigate such conduct promptly and thoroughly. To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges and/or to notify law enforcement officials as warranted, and any disclosure will be provided on a "need to know" basis.

Once the District determines that an individual has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken. Should the offending individual be a:

- a) student, appropriate disciplinary measures will be applied, up to and including suspension, in accordance with applicable laws and/or regulations, District policy and regulation, and the District Code of Conduct.
- b) District employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment, in accordance with legal guidelines, District policy and regulation, and the applicable collective bargaining agreement(s).
- c) third party (such as school volunteers, vendors, etc.) who is found to have violated this policy and/or accompanying regulations and/or the Code of Conduct, will be subject to appropriate sanctions as warranted and in compliance with law.

The application of such disciplinary measures by the District does not preclude the filing of civil and/or criminal charges as may be warranted.

The Board prohibits any retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the investigation of a complaint of harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the harassment complaint have not suffered retaliation.

Regulations will be developed for reporting, investigating, and remedying allegations of harassment based on the characteristics described above. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s). Such regulations will be developed in accordance with federal and state law as well as any applicable collective bargaining agreement(s).

The Superintendent/designee(s) will affirmatively discuss the topic of harassment with all

employees and students, express the District's condemnation of such conduct, and explain the sanctions for such harassment. Appropriate training and/or "awareness" programs will be established for staff and students to help ensure knowledge of and familiarity with the issues pertaining to harassment in the schools, and to disseminate preventative measures to help reduce such incidents of prohibited conduct. Furthermore, special training will be provided for designated supervisors and managerial employees, as may be necessary, for the investigation of harassment complaints.

A copy of this policy and its accompanying regulations will be available upon request and may be posted at various locations in each school building. The District's policy and regulations on anti-harassment will be published in appropriate school publications such as teacher/employee handbooks, student handbooks, and/or school calendars.

This policy should not be read to abrogate other District policies and/or regulations or the District Code of Conduct prohibiting other forms of unlawful discrimination, inappropriate behavior, and/or hate crimes within this District. It is the intent of the District that all such policies and/or regulations be read consistently to provide the highest level of protection from unlawful discrimination in the provision of employment/educational services and opportunities.

Title VII of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.) Section 2000-e et seq.  
Prohibits discrimination on the basis of race, color,  
religion, sex or national origin.

Title VI of the Civil Rights Act of 1964,  
42 United States Code (U.S.C.) Section 2000-d et seq.  
Prohibits discrimination on the basis of race, color or  
national origin.

Section 504 of the Rehabilitation Act of 1973,  
29 United States Code (U.S.C.) Section 794 et seq.  
Prohibits discrimination on the basis of disability.

The Americans With Disabilities Act,  
42 United States Code (U.S.C.) Section 12101 et seq.  
Prohibits discrimination on the basis of disability.

Title IX of the Education Amendments of 1972,  
20 United States Code (U.S.C.) Section 1681 et seq.  
Prohibits discrimination on the basis of sex.

New York State Civil Rights Law Section 40-c  
Prohibits discrimination on the basis of race, creed,  
color, national origin, sex, sexual orientation, marital  
status or disability.

New York State Executive Law Section 290 et seq.  
Prohibits discrimination on the basis of age, race, creed,  
color, national origin, sex, sexual orientation, disability  
or marital status.

Age Discrimination in Employment Act,  
29 United States Code (U.S.C.) Section 621.

Military Law Sections 242 and 243

Adopted: 6/24/03