

# RED HOOK CENTRAL SCHOOL DISTRICT

POLICY # 5314

## SEXUAL HARASSMENT POLICY

### Section 1: Purpose

- A. It is the policy of the Red Hook Central School District (“District”) that sexual harassment of employees, applicant for employment, or students in any form is unacceptable conduct. The purpose of this policy is to clearly state the District’s position on this issue; to notify all employees and students of the kinds of activities which constitute sexual harassment; and to provide a procedure whereby any employee or student who believes he or she is the victim of sexual harassment can submit a complaint which will be investigated by the District. Sexual harassment, whether verbal or physical, and whether arising out of the work or school environment, is unacceptable and will not be tolerated.
- B. This policy shall also constitute the Grievance Procedure required by Title IX of the Education Amendments of 1972 for complaints of gender discrimination within educational institutions receiving federal financial assistance. The Title IX Officer and Sexual Harassment Compliance Officer for the District is:

Mr. Joseph DeCaro  
Director of Pupil Personnel Services  
Linden Avenue Middle School  
65 West Market Street  
Red Hook, NY 12571  
(845) 758-2241, Ext. 26400  
Office Hours: 8:00 a.m. to 4:00 p.m.

### Section 2: Definition

**Sexual Harassment in the Workplace** – Harassment on the basis of sex is a violation of State and Federal Law. Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
2. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Sexually harassing conduct in the workplace, whether committed by supervisors or non-supervisory personnel, is prohibited. Such prohibited conduct includes, but is not limited to:

1. unwelcome sexual flirtations, advances, or propositions
2. verbal or written abuse of a sexual nature
3. graphic verbal comments about an individual's body;
4. sexually degrading words used to describe an individual; and
5. the display in the work place of sexually suggestive objects or pictures

### **C. Sexual Harassment of and/or Between Students**

Sexual harassment of students consists of verbal or physical conduct of a sexual nature, but an employee, agent, or another student of the District that denies, limits, or conditions the provision of aid, benefits, services, or treatment protected under Title IX of the Education Amendments of 1972 in the basis of sex. Unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature constitutes sexual harassment when:

1. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education; or
2. such conduct has the purpose or effect of unreasonably interfering with the individual's education creating an intimidating, hostile, or offensive environment.

Such actions include, but are not limited to, the following conduct directed at students:

1. unwelcome sexual flirtations, advances, or propositions;
2. verbal or written abuse of a sexual nature
3. graphic verbal comments about the student's body
4. sexually degrading words used to describe a student; and
5. unwelcome and non-consensual physical touching of a sexual nature.

Given the special nature of the relationship between students and employees of the district, extreme caution should be exercised by employees of the district to avoid any situation involving comments of a sexual nature, particularly in the presence of students. It is recognized that discussions involving sexual relations and the human body are part of mandated curriculum on certain areas (e.g., health education) and are, therefore, not restricted by this policy. Nonetheless, there is no conflict between this policy and the

mandates of the District's curriculum. Thus, the teaching of the District's curriculum will not constitute a charged violation of the policy.

### **Section3: Policy**

- a. The Red Hook Central School District regards sexual harassment as a serious matter. Accordingly, sexual harassment by any employee or agent of the District of any other employee or agent of the District, or applicant for employment is hereby prohibited.
- b. It is the policy of the Red Hook Central School District that all students be free from sexual harassment in the classroom and school environment. Therefore, sexual harassment of students is prohibited. This policy also applies to conduct between students.

### **Section 4: Sexual Harassment Policy Enforcement**

A. **Procedure for Employees** – Each supervisor has an affirmative duty to maintain his/her work place free from sexual harassment. Each supervisor shall discuss this policy with all employees and assure them that they are not required to endure insulting, degrading, or exploitative conduct of a sexual nature.

1. **Informal Procedure** – The District encourages employees to believe that they are being harassed to clearly and promptly notify the offender that his/her behavior is unwelcome. If, for any reason, an individual does not wish to confront the offender directly or if such a confrontation does not successfully end the harassment, the individual should notify his/her supervisor, a school Principal, the Superintendent of Schools, the Title IX Officer, or the President of the Board of Education. The names, addresses, telephone numbers, and office and/or available hours of individuals in these positions are located in Section 7 of this policy. If notification is made to anyone other than the Superintendents of Schools, then the recipient of said notification shall immediately inform the Superintendent of Schools of the allegation of sexual harassment (unless the allegation of sexual harassment is made against the Superintendent in which case the recipient of said notification shall immediately inform the President of the Board. The informal procedure should be flexible and the best course of action in any case will depend on various factors. However, an individual reporting sexual harassment should be aware that the District may decide it is necessary to take action to address the harassment beyond an informal decision.
2. **Formal Procedure** – The following steps should be followed to make a formal complaint about sexual harassment:
  - a. **Notification** – An individual who believes he/she has been subjected to sexual harassment should report the incident to his or her supervisor, a school Principal, the Superintendent of Schools, the Title IX Officer, or the President of the Board of Education. The names, address, telephone numbers, and office and/or available hours of individuals in these positions are located at Section 7 of this policy. The complaint should be reported

in writing by the complainant. In the case of a report made to anyone other than the Superintendent of Schools immediately (unless the allegation of sexual harassment is made against the Superintendent in which case the recipient of said notification shall immediately inform the President of the Board.)

- b. Description of Misconduct** – An accurate record of allegedly objectionable behavior is necessary to resolve a complaint of sexual harassment. All oral allegations of sexual harassment must be reduced to writing by either the complainant or the recipient of the complaint.
  - c. Time for Reporting a Complaint** – Prompt reporting of complaints is strongly encouraged. While no time limits for filing complaints are contained in this policy, the accurate resolution of sexual harassment complaints will be expedited in a timely filing of claims. Further, a complainant should be aware that applicable statutes of limitations do constrain the time for instituting outside legal action.
  - d. Protection Against Retaliation** – The District will not retaliate against any individual who files a sexual harassment complaint in good faith. Retaliation is a serious violation of this policy and should be reported immediately. Any employee or agent of the District found to have retaliated against an individual for good faith reporting of sexual harassment, will be subject to appropriate disciplinary action up to and including discharge from employment.
3. The District will promptly investigate all allegations of sexual harassment in as confidential and sensitive manner as possible and make every reasonable effort; consistent with the best interest of all parties concerned, to complete the investigation within thirty (30) days of receipt of the formal complaint.
  4. The individual submitting a complaint of sexual harassment and the alleged harasser shall be notified of the results of the investigation.
  5. Any supervisor, agent, or other employee who is found, after appropriate investigation, to have engaged in sexual harassment, will be subject to appropriate disciplinary action, up to and including discharge from employment.

## **B. Procedure for Students**

1. **Informal Procedure** – The District encourages students who believe they are being harassed to clearly and promptly notify the offender that his or her behavior is unwelcome. If for any reason a student does not wish to confront the offender directly, or if such confrontation does not successfully end the harassment, the student should notify the designated Title IX teacher in the student's building or his or her building Principal. Any student who is uncomfortable for any reason in bringing the matter to the attention of his or her building Principal should report the matter to the Superintendent of Schools or the title IX officer, or if that is not deemed possible, to the President of the Board

of Education. The names, address, telephone numbers, and office and/or available hours of individuals in these positions are located in Section 7 of this policy. If notification is made to anyone other than the Superintendent of Schools, then the recipient of said notification shall immediately inform the Superintendent of Schools, of the allegation of sexual harassment (unless the allegation of sexual harassment is made against the Superintendent in which case the recipient of said notification shall immediately inform the President of the Board).

The informal procedure should be flexible and the best course of action in any case will depend on various factors. However, a student reporting sexual harassment should be aware that the District may decide it is necessary to take action to address the harassment beyond an informal discussion.

2. **Formal Procedure** – The following steps should be following to make a formal complaint about sexual harassment:
  - a. **Notification** – a student who believes he or she has been subjected to sexual harassment by any employee, agent, or other student of the Red Hook Central School District should report the incident to the designated Title IX teacher in the student’s building or his/hr building Principal. Any student who is uncomfortable for any reason in bringing the matter to the attention of his or her building Principal, should report the matter to the Superintendent of Schools or Title IX Officer, or if that is not deemed possible, toe the President of the Board of Education. The names, address, and telephone numbers and office and/or available hours of the individuals in these positions are located in Section 7 of this policy. In the case of a report made to anyone other than the Superintendent of Schools, the recipient of the complaint shall give notice to the complaint to the Superintendent of Schools immediately, (unless the allegation of sexual harassment is made against the Superintendent in which case the recipient of said notification shall immediately inform the President of the Board) . Students are permitted to be accompanied by a friend, relative, guardian, or parent when making a claim of sexual harassment. If a parent of a student of the District believes that his/her son/daughter has been subjected to sexual harassment, than (s)he should follow the above referenced reporting procedure.
  - b. **Description of Misconduct** – An accurate record of allegedly objectionable behavior is necessary to resolve a complaint of sexual harassment. All allegations of sexual harassment must be reduced to writing by either the complainant or the recipient of the complaint.
  - c. **Time for Reporting a Complaint** – Prompt reporting of complaints is strongly encouraged. While no time limits for filing complaints are contained in this policy, the accurate resolution of sexual harassment complaints will be expedited by timely filing of claims. Further, a complainant should be aware that applicable statues of limitations do constrain the time for instituting outside legal action.

- d. Protection Against Retaliation** – The District will not retaliate against any student who files a sexual harassment complaint in good faith. Retaliation is a serious violation of this policy and should be reported immediately. Any employee, agent, or student of the district found to have retaliated against a student for good faith reporting of sexual harassment will be subject to appropriate disciplinary action, up to and including suspension for students in accordance with New York State Education Law.
3. The School District will promptly investigate all allegations of sexual harassment in as confidential and sensitive a manner as possible and shall make every reasonable effort, consistent with the best interests of all parties concerned, to complete the investigation within thirty (30) days of receipt of the formal complaint.
  4. The student submitting a complaint of sexual harassment and the alleged harasser shall be notified of the results of the investigation.
  5. Any supervisor, administrator, teacher, employee, agent, or student of the District found to have engaged in sexual harassment of any student shall be subject to appropriate disciplinary action, up to and including discharge from employment for employees and agents, and up to and including suspension from school for students in accordance with New York State Education Law.

### **C. Appeal**

Any employee or student who wishes to appeal investigation results that there is or is not sexual harassment may do so within ten (10) school days of receipt of those results. Such appeal must be made in writing to the Board of Education or its designee. The employee or student shall be entitled to present evidence as to why the investigation results are incorrect. Following a review of that evidence, as well as the information obtained in the investigation process and conclusions derived therefrom, the Board of Education or its designee shall render a decision. This decision shall be final and binding.

### **Section 5: Record Keeping**

The District shall maintain a written record of all complaints of sexual harassment for a period of at least three (3) years. The District shall also document the steps taken with regard to investigations, as well as conclusions reached and disciplinary action (if any) taken. The District shall also maintain these documents for, a minimum, three (3) years.

### **Section 6; Questions**

Any questions regarding sexual harassment and compliance with Title IX of the Education Amendments of 1973 may also be brought to the attention of the Office of Civil Rights, Department of Education, Washington, D.C. 20202

## **Section 7: Contacts**

### **TITLE IX OFFICER**

Director of Special Services  
Red Hook Central School District  
Linden Avenue Middle School  
65 West Market Street  
Red Hook, NY 12571  
(845) 758-2241, extension 3295

### **SUPERINTENDENT OF SCHOOLS**

Red Hook Central School District  
9 Mill Road  
Red Hook, NY 12571  
(845) 758-2241, extension 4720

### **BOARD OF EDUCATION**

Red Hook Central School District  
9 Mill Road  
Red Hook, NY 12571  
(845) 758-2241, extension 4719

### **PRIMARY PRINCIPAL – K-2**

Red Hook Central School District  
9 Mill Road  
Red Hook, NY 12571  
(845) 758-2241, extension 2230

### **INTERMEDIATE PRINCIPAL – 3-5**

Red Hook Central School District  
9 Mill Road  
Red Hook, NY 12571  
(845) 758-2241, extension 2234

### **MIDDLE SCHOOL PRINCIPAL**

Red Hook Central School District  
65 West Market Street  
Red Hook, NY 12571  
(845) 758-2241, extension 3256

### **HIGH SCHOOL PRINCIPAL(S)**

Red Hook Central School District  
103 West Market Street  
Red Hook, NY 12571  
(845) 758-2241, extension 3247 or 3246

**TITLE IX TEACHER – LINDEN AVENUE MIDDLE SCHOOL**

Guidance Counselor  
Red Hook Central School District  
65 West Market Street  
Red Hook, NY 12571  
(845) 758-2241, extension 3260

**TITLE IX TEACHER – HIGH SCHOOL**

Guidance Counselor  
Red Hook Central School District  
103 West Market Street  
Red Hook, NY 12571  
(845) 758-2241, extension 3251

**SUPERVISOR – ADMINISTRATION**

Red Hook Central School District  
9 Mill Road  
Red Hook, NY 12571  
(845) 758-2241, extension 4706

**SCHOOL NURSING STAFF**

Primary Grades K-2  
Red Hook Central School District  
9 Mill Road  
Red Hook, NY 12571  
(845) 758-2241, extension 2231

Intermediate Grades 3-5  
Red Hook Central School District  
9 Mill Road  
Red Hook, NY 12571  
(845) 758-2241, extension 2235

Linden Avenue Middle School  
Red Hook Central School District  
65 West Market Street  
Red Hook, NY 12571  
(845) 758-2241, extension 3257

Red Hook High School  
Red Hook Central School District  
103 West Market Street  
Red Hook, NY 12571  
(845) 758-2241, extension 3252

1<sup>st</sup> Reading 7/13/94  
Adopt: 8/11/94

# RED HOOK CENTRAL SCHOOL DISTRICT

7401 South Broadway • Red Hook, New York 12571

Paul Finch, *Superintendent*  
Bruce T. Martin, *Business Administrator*

Phone: (845) 758-2241

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## SEXUAL HARASSMENT COMPLAINT WAIVER

I have received and read the District's anti-harassment policies, including policy #5314.

I understand that if I choose to make a complaint of workplace harassment, the District will investigate my complaint and take remedial steps as it deems appropriate.

On \_\_\_\_\_ I raised concerns about a workplace issue which, to my knowledge, only affects me. I do not wish the district to treat my disclosure as a harassment complaint at this time and I do not want the District to investigate the issue which I have raised. However, I reserve the right to file a formal written complaint at a later time.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Supervisor Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Compliance Officer

\_\_\_\_\_  
Date

Updated 9/11