

POLICY

1998 7551

Revised 2009, 2011, 2014, 2015,
2016
Students

Page 1 of 5

SUBJECT: SEXUAL HARASSMENT AND GRIEVANCE PROCEDURES FOR STUDENTS

It is the policy of the Minisink Valley Central School District to prohibit student sexual harassment and gender based harassment in the schools, at school activities and at events sponsored by the School District. To that end, all officers, supervisory personnel, employees and students of the School District shall be given a copy of this policy and training regarding its terms, procedures, protections and penalties.

Definitions

Sexual harassment is defined as discrimination against a person of a different or the same sex because of their actual or perceived sex and/or gender, which creates a hostile learning or school environment.

Gender based harassment is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the same or opposite gender or that which treats a person of that gender differently in the learning or school environment because of his/her gender and/or failure to conform to gender stereotypes.

Sexual or Gender based harassment that creates a hostile learning or school environment is either pervasive and/or severe conduct that involves unwelcome: sexual advances; sexual violence (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); sexual conduct that constitutes a crime; sexual touching; indecent exposure of a sexual nature; pervasive sexual remarks, comments, displayed materials, printed materials, electronic media or jokes. The determination of a hostile learning or school environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Title IX Officer

The District's Title IX Officer is the Assistant Superintendent for Human Resources and is charged with investigating and/or overseeing the investigation of sexual or gender based harassment complaints. The District's Title IX officer can be reached by calling (845) 355-5810 or by mail: PO Box 217, Slate Hill, NY 10973 and by email at the following email address: Michael Giardina <mgiardina@minisink.com>

Procedure

Any student, parent, employee or third party who believes that a student has been subjected to sexual harassment or gender based harassment by an officer, employee, student or volunteer must promptly report the matter to the District's Title IX Officer, who shall promptly and impartially investigate the alleged conduct. The District shall investigate an allegation of student-on-student

(Continued)

POLICY

1998 7551

Revised 2009, 2011, 2014, 2015,
2016
Students

Page 2 of 5

SUBJECT: SEXUAL HARASSMENT AND GRIEVANCE PROCEDURES FOR STUDENTS (Cont'd.)

sexual harassment even if the alleged conduct occurred initially off school grounds. The Title IX officer shall conduct an intake interview and explain the following options to the alleged victim(s) for resolution:

- a) Registering an informal complaint verbally or in writing; or
- b) Registering a formal complaint verbally or in writing; or
- c) Engaging in voluntary staff facilitated mediation to arrive at a resolution of the matter (this shall not be utilized when allegations involve sexual assault or sexual violence); or
- d) Placing the District on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The intake Title IX Officer will also explain that the complaining student shall not be subject to retaliation or retribution by reason of making the complaint 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 or investigator shall:

- a) Consult with relevant staff and notify the complainant of his/her options to avoid contact with the alleged perpetrator during the pendency of the investigation; minimizing any burden on the educational program of the complainant;
- b) Advise the alleged victim(s) of available resources such as counseling and mental health services;
- c) Advise the alleged victim(s) of their right to file a complaint with local law enforcement (a referral or pending law enforcement investigation shall not be a basis to delay the District's investigation and remediation, if appropriate);
- d) Make follow-up inquiries with the alleged victim and alert the victim and relevant staff of the need to report to the Title IX officer any subsequent retaliatory action and/or harassment; such as name calling or taunting of the complainant or others involved in the investigation that may occur.

Complaints

All complaints shall be received in writing or reduced to writing by an intake Title IX Officer, who shall personally or by reference to a designee on the Board's approval list to promptly conduct a full and fair impartial investigation of the complaint; which will include providing the opportunity for

(Continued)

POLICY

1998 7551

Revised 2009, 2011, 2014, 2015,
2016
Students

Page 3 of 5

**SUBJECT: SEXUAL HARASSMENT AND GRIEVANCE PROCEDURES FOR STUDENTS
(Cont'd.)**

both the complainant and alleged perpetrator to present witnesses and evidence, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools within 60 calendar days of the initial report received either verbally or in writing. The evidentiary standard used during the investigation is preponderance of the evidence in resolving the complaint. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint in writing concurrently. Such written determination that may include:

- a) A finding that this policy has not been violated; or
- b) A finding that this policy has been violated and appropriate corrective, disciplinary and/or other action has been taken.

The Superintendent shall take such further action necessary to reasonably deter and prevent any further acts prohibited by this policy. Such further action may include:

- a) Separating the harasser and the victim (in a way that does not adversely impact the victim's educational program);
- b) Providing an escort to ensure that a student is able to safely move between classes and activities;
- c) Providing counseling to the target and/or harasser;
- d) Disciplinary action against the harasser;
- e) Providing academic support services such as tutoring or arranging for a complainant to re-take or withdraw from a course, including ensuring that any changes do not adversely affect the complainant's academic record;
- f) Reviewing any disciplinary action taken against the complainant to determine if there was a causal connection between the harassment and the misconduct that may have resulted in the complainant being disciplined;
- g) Providing education and training on sex and/or gender based harassment;
- h) Directing the victim in writing to immediately report any new concerns or incidences of harassment and/or retaliation by the perpetrator(s) or others;
- i) Providing a written directive to those involved in the investigation/allegations of the prohibitions against further harassment and/or retaliation against the victim and others for their role in cooperating in the investigation.

(Continued)

POLICY

1998 7551

Revised 2009, 2011, 2014, 2015,
2016
Students

Page 4 of 5

**SUBJECT: SEXUAL HARASSMENT AND GRIEVANCE PROCEDURES FOR STUDENTS
(Cont'd.)****Alternates**

The Board shall appoint more than one Title IX Officer and several designated Title IX formal complaint investigators. Complainant will have a choice of which Title IX Officer to approach regarding a Title IX complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent's place for review activities as described above with respect to informal or formal complaints.

Appeal of Formal Complaints

If a complaint hasn't been processed to a satisfactory disposition by the Superintendent within 60 calendar days of when the complaint is received in writing by the Title IX Coordinator, unless longer following request by the Title IX Officer and/or investigator this timeline has been extended by the Superintendent with the written consent of the complainant, the complainant or alleged perpetrator(s) may appeal in writing to the Board for disciplinary action to be taken or disciplinary proceedings to be commenced, where necessary. The Board shall render a written decision on such an appeal within 30 calendar days. In cases in which the Board serves as an alternate, there shall be no internal appeals process.

Confidentiality

The District's Title IX Officer(s), the Superintendent of Schools and the Board of Education shall, to the maximum extent possible, maintain as confidential the transaction(s) underlying the proceedings or complaint, the outcome of a mediated agreement and action taken, other than formal discipline. The subject of the proceedings or complaint, however, shall be informed of the identity of the person who commenced the proceedings or complaint in order to provide fair and due process.

If the complainant student requests that his/her identity and other identifiable information not be revealed, the School District should weigh that request against the following factors:

- a) The seriousness of the alleged harassment;
- b) The complainant's age;
- c) Whether there have been other complaints about the same individual;
- d) The alleged harasser's rights to receive information about the allegation if the information is maintained as an educational record under the Family Educational Rights and Privacy Act.

(Continued)

POLICY

1998 7551

Revised 2009, 2011, 2014, 2015,
2016
Students

Page 5 of 5

**SUBJECT: SEXUAL HARASSMENT AND GRIEVANCE PROCEDURES FOR STUDENTS
(Cont'd.)**

Consequences

Students or staff who violate this policy shall be subject to disciplinary or other corrective action with due process provided as appropriate.

Any complaint that is determined to have been processed maliciously or in bad faith, shall be deemed to be in violation of this policy and may give rise to disciplinary consequences against the complainant.

Any complaint that involves allegations which constitute or may constitute criminal behavior, will be immediately and directly referred to law enforcement personnel by the District. Such a referral shall not relieve the District of its obligations to investigate and remediate such conduct.

Training

The District shall provide appropriate written notice and preventative training to students, staff, school law enforcement and volunteers regarding awareness and reporting/investigating sexual and gender based harassment and sensitivity to issues involving sex and gender based harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of sexual harassment.

Distribution of Policy

A copy of this policy and its procedures for investigating sexual and/or gender based harassment complaints shall be available on the District's website and electronically or manually distributed to all personnel, middle school students, high school students and their parents/guardians and posted in appropriate places within the District. This policy shall be disseminated and reviewed during staff and student orientations, mailings and upon receipt of complaints. Elementary age students shall be provided with age appropriate materials and training.