

151.2 Page 1 of 7 PROHIBITED CONDUCT, DISCRIMINATION, AND HARASSMENT

A. Equal Opportunity Employer

Town of Webb UFSD provides equal employment opportunities to all employees and applicants for employment and prohibits discrimination based upon membership in a protected class, which protected classes are defined by federal, state, or local law. This includes discrimination based upon age, creed, race, color, religion, sex, sexual orientation, national origin, citizenship, marital status, disability, genetics, military or veteran status, gender, gender identity or expression, domestic violence victim status, criminal or arrest record, and genetic characteristics. This prohibition applies to all terms and conditions of employment, including hiring, placement, promotion, discharge, pay, fringe benefits, job training, classification, referral, leaves of absence, and other aspects of employment.

B. Harassment

Federal and state law defines protected classes as age, creed, race, color, religion, sex, sexual orientation, national origin, citizenship, marital status, disability, genetics, military or veteran status, gender, gender identity or expression, domestic violence victim status, criminal, or arrest record. TOWUFSD employees are expected to act fairly and with respect and cooperation in every occasion. Standards of discipline, decorum, and performance must be observed strictly by all employees. Interactions with students, parents, community members, and other employees in a respectful and appropriate manner.

General Statement Regarding Sexual Harassment

1. TOWUFSD 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 harassment based on gender, race, color, religion, national origin, age, disability, gender orientation or any other characteristic protected by local, state or federal law.
2. Sexual Harassment has different definitions depending on the federal or state law that is being applied. Generally speaking, 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.
3. The Superintendent is responsible for promulgating regulations which implement this policy and provide further detail on harassment as it is defined by Federal and State Law. These regulations shall provide sufficient detail to ensure a fair and thorough process of initiating a grievance, and the grievance procedures which ensures equal and fair treatment of the complainant and respondent.

151.2 Page 2 of 7 Examples of Sexual Harassment

4. 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:

- 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.
- g. Unlawful harassment may occur without economic injury to, or discharge of, the victim.

151.2 Page 3 of 7

C. Consensual Relationships

1. In furtherance of this policy, TOWUFSD prohibits supervisors and managers from engaging in a romantic or intimate relationship with any individual of whom they exercise supervisory or managerial authority. Such relationships can be disruptive to the work environment, create a conflict or the appearance of a conflict of interest, and lead to charges of favoritism, discrimination, and claims of sexual harassment. While TOWUFSD has no desire to interfere with the private lives of its employees, or their off-duty conduct, where such conduct impacts upon the work environment in a negative manner, such as noted above, TOWUFSD reserves the right to take whatever action is appropriate, in its discretion, to protect TOWUFSD interests.

2. If a prohibited consensual relationship develops between employees, the supervisor or manager involved must immediately disclose the relationship to the appropriate Supervisor in order to avoid or mitigate conflicts of interest in connection with the supervision and evaluation of the employees with whom they have a consensual relationship. Mitigation may involve the transfer of either the supervisor or employee or other appropriate action.

D. Purpose and Application

1. The policy applies to all employees, applicants for employment, paid or unpaid interns, contractors, and persons conducting business, regardless of immigration status, with TOWUFSD. 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.
2. This policy must be provided to all employees and should be posted prominently in all work locations to the extent practicable and be provided to employees upon hiring. Additional information regarding TOWUFSD discrimination and harassment complaint and grievance procedures, including, but not limited to, the designation of the Compliance Officer can be found on District website.
3. Harassment of members of a protected class in any form will not be tolerated. Any employee or individual covered by this policy who engages in 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 TOWUFSD procedures, and/or regulations regarding the investigation of discrimination and harassment complaints.
4. No person covered by this Policy shall be subject to adverse action because the employee reports an incident of harassment, provides information, or otherwise assists in any investigation of a harassment complaint. TOWUFSD will not tolerate such retaliation against anyone who, in good faith, reports or provides information about suspected harassment. Any employee of TOWUFSD who retaliates against anyone involved in a harassment investigation will be subjected to disciplinary action, up to and including termination.

151.2 Page 4 of 7

5. 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 the District Title IX/Civil Rights Compliance Officer (herein after referred to as “Compliance Officer”). In the event that the Compliance Officer is the alleged offender, the report will be directed to another Title IX trained employee.
6. 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, set forth in the section on Legal Protections.

7. Harassment and/or discrimination of a protected class is unlawful and is a violation of our policies. Harassers may also be individually subject to liability. Employees of every level who engage in harassment, including managers and supervisors who engage in harassment or who allow such behavior to continue, will be penalized for such misconduct.
8. TOWUFSD will conduct a prompt and thorough investigation that ensures due process for all parties, whenever management receives a complaint about harassment, or otherwise knows of possible harassment occurring. TOWUFSD will keep the investigation confidential to the extent possible.
9. TOWUFSD will provide appropriate supportive measures, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint, or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the TOWUFSD education program, or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or TOWUFSD's educational environment.
10. Effective corrective action will be taken whenever harassment is found to have occurred. All employees, including managers and supervisors, are required to cooperate with any internal investigation of harassment.
11. All employees are encouraged to report any harassment or behaviors that violate this policy. TOWUFSD will provide all employees a complaint form for employees to report harassment and file complaints.
12. Managers and supervisors are required to report any complaint that they receive, or any harassment that they observe or become aware of, to the Compliance Officer. In the event that the Compliance Officer is the alleged offender, the report will be directed to another Title IX trained employee.

151.2 Page 5 of 7 E. Retaliation

1. Unlawful retaliation can be any action that could discourage a worker from coming forward to make or support a harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation.
2. Such retaliation is unlawful under federal and state laws, as well as TOWUFSD policy, and 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 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.

4. Any person who knowingly makes a false report of an incident(s) of harassment may subject themselves to prompt corrective action in accordance with the applicable collective bargaining agreement, handbooks, Code of Conduct, TOWUFSD policy, Federal and State law.

F. Reporting

1. Preventing harassment is everyone's responsibility. TOWUFSD cannot prevent or remedy harassment unless it knows about it. Any person who has been subjected to behavior that may constitute harassment is encouraged to report such behavior. Anyone who witnesses or becomes aware of potential instances of harassment should report such behavior to the Compliance Officer.

To make a report please contact:

Compliance Coordinator/Title IX Officer
3002 NYS Route 28
Old Forge, NY 13420
titleixcompliance@towschool.org
(315) 369-3222

2. Initial reports of harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this policy and its regulations, and employees are encouraged to use this complaint form. Any person who is reporting harassment on behalf of another person should use the complaint form and note that it is on another person's behalf.

151.2 Page 6 of 7

3. All supervisors and managers who receive a complaint or information about suspected harassment, observe what may be sexually harassing behavior or for any reason suspect that harassment is occurring, are required to report such suspected harassment to the Compliance Officer.
4. 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 harassment or otherwise knowingly allowing harassment to continue.

G. Grievance Process

1. All complaints or information about harassment will be investigated, whether that information was reported in verbal or written form, some anti-discrimination statutes require a written complaint, while other anti-discrimination statutes do not require the complaint to be in writing. Investigations will be conducted in a timely manner, and will be confidential to the extent possible.
2. An investigation of any complaint, information or knowledge of suspected harassment will be prompt and thorough, commenced immediately and completed as soon as possible, except for good cause. The investigation will be kept confidential to the extent possible.

All persons involved, including complainants, witnesses and respondent will be accorded due process as outlined by the Superintendent's regulations for the purpose of protecting everyone's right to a fair and impartial investigation.

3. Anyone who has been assigned to resolve a complaint will be free from conflicts of interest or bias for or against complainants or respondent generally or an individual complainant or respondent. Any person who has been assigned a role in the complaint, or is privy to a complaint must keep the written documentation and associated documents in a secure and confidential location. All persons involved in the process will receive training appropriate to their role in the grievance process.
4. A respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
5. Either party has the right to appeal a determination regarding responsibility, or a dismissal of a complaint, or any allegations therein on the basis of the following:
 - a. Procedural irregularity that affected the outcome of the matter;
 - b. New evidence that was not reasonably available at the time determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
 - c. The Compliance Officer, Investigator, or Decision-Maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
6. TOWUSFD will notify the other party in writing when an appeal is filed and implement appeal procedures equally to both parties as outlined in the Superintendent's regulations.

151.2 Page 7 of 7

H. Legal Protections and External Remedies

1. Harassment and/or discrimination of a person based upon their membership of a protected class is not only prohibited by TOWUFSD but is also prohibited by state, federal, and, where applicable, local law.
2. Aside from the internal process at TOWUFSD, employees may also choose to pursue legal remedies as outlined in the Superintendent's regulations. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.
3. 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.

I. Record Keeping

1. TOWUFSD will maintain for a period of seven (7) years records related to training of individuals involved in the grievance process. All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process will be publicly available on the TOWUFSD website.
2. BOCES will maintain for a period of seven (7) years all records related to each sexual

harassment investigation and its outcome.

Reference: 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: June 14, 1998

Revised: September 6, 1994

January 18, 2005

January 10, 2017

December 11, 2018

August 12, 2021