

## **Administrative Regulation 0110 SEXUAL HARASSMENT**

This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment on the basis of sex, gender and/or sexual orientation in furtherance of the district's commitment to provide a healthy and productive environment for all students and employees that promotes respect, dignity and equality. The term employees includes all persons employed in whatever capacity with the LPCSD, including all full-time, temporary and part-time staff, interns, vendors, consultants, and contracted employees, regardless of immigration status.

### Sexual Harassment Defined

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature. Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identify, gender expression, or transgender status.

"Gender-based harassment" means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity or expression.

Sexual or gender-based harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's sex, gender, or sexual orientation. This occurs when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's employment or a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used the basis for a factor in decisions affecting an employee's employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's work performance or a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment. This is the case even if the complaining individual is not the intended target of the sexual harassment.

### Unacceptable Conduct

School-related conduct that the district considers unacceptable and which may constitute sexual harassment includes, but is not limited to, the following:

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1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual advances or invitations or requests for sexual activity including but not limited to those in exchange for grades, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc., or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments.
3. unwelcome and/or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (i.e. pinching, patting, poking, grabbing), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory, or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive, sexually degrading, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive or explicit, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or derogatory, or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;
12. other hostile actions taken against an individual because of that person's sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or participate in school functions and activities; and
13. any unwelcome behavior based on gender or sexual stereotypes and attitudes that is offensive, degrading, derogatory intimidating, demeaning, or that is based on sexual stereotypes and attitudes. This includes, but is not limited to:

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- a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
- b. ostracizing or refusing to participate in group activities with an individual during class projects, physical education classes or field trips because of the individual's sex, gender expression or gender identity;
- c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex or gender

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student or employee did not request or invite it and regarded the conduct as undesirable or offensive. In addition, in the remainder of this regulation, the term sexual harassment will refer to both sexual and gender-based harassment.

Sexual harassment is a violation of school policy whether it occurs on school grounds, school buses, or at any school-sponsored activity, program or event. Violations include those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education or employment in a way that violates their legal rights, including when employees or "non-employees" travel on district business, or when the harassment is done by electronic means (including on social media).

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### Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment, but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by another student or a co-worker);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

### Reporting Complaints

Any person who believes he or she has been the victim of sexual harassment by a student, district employee or third party related to the school is encouraged to report complaints as soon as possible after the incident in order to enable the district to promptly and effectively investigate and resolve the complaint. Victims are encouraged to submit the complaint in writing; however, complaints may be filed verbally. Any person who witnesses or is aware of sexual harassment of a student, employee, or "non-employee" is also encouraged to report the incident or behavior to the district.

Complaints should be filed with the **Principal or the Title IX coordinator**.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the **Principal and/or the Title IX coordinator**. School employees receiving complaints of sexual harassment from employees and "non-employees" shall either direct the complainant to the Building Principal, or may report the incident

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themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by staff, and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.

In order to assist investigators, victims should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the victim's response to the harassment.

### Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the district's ability to respond to his/her complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the harassment and preventing the harassment of other students or employees.

### Investigation and Resolution Procedure

#### A. Initial (Building-level) Procedure

The **Principal or the Title IX coordinator** shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the **Principal or the Title IX coordinator** should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. All persons involved in an investigation (complainants,

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witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.

As soon as possible but no later than two working days following receipt of a complaint, the **Principal or Title IX coordinator** shall begin an investigation of the complaint according to the following steps:

1. Interview the victim and document the conversation. Instruct the victim to have no contact or communication regarding the complaint with the alleged harasser. Ask the victim specifically what action he/she wants taken in order to resolve the complaint. Refer the victim, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the victim. If the victim has not prepared written documentation, ask the victim to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0110-E) based on the verbal report.
3. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Instruct the alleged harasser to have no contact or communication regarding the complaint with the victim and to not retaliate against the victim. Warn the alleged harasser that if he/she makes contact with or retaliates against the victim, he/she will be subject to immediate disciplinary action.
5. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential. Employees may be required to cooperate as needed in investigations of suspected sexual harassment.
6. Review all documentation and information relevant to the complaint.
7. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
  - a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
  - b. suggesting counseling and/or sensitivity training;
  - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
  - d. requesting a letter of apology to the complainant;
  - e. writing letters of caution or reprimand; and/or
  - f. separating the parties.

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## 8. Parent/Student/Employee Involvement and Notification

- a. Parents of student victims and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
- b. The parents of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
- c. If either the victim or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
- d. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.
- e. The investigator shall report back to both the victim and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the victim to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against him/her.
- f. The investigator shall notify the victim that if he/she desires further investigation and action, he/she may request a district level investigation by contacting the Superintendent of Schools. The investigator shall also notify the victim of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.

B. Create a written documentation of the investigation, kept in a secure and confidential location, containing:

1. A list of all documentation and other evidence reviewed, along with a detailed summary;
2. A list of names of those interviewed along with a detailed summary of their statements;
3. A timeline of events;
4. A summary of prior relevant incidents, reported or unreported; and
5. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the **Principal or the Title IX Coordinator** contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint shall be referred promptly to the Superintendent. In addition, where the **Principal or**

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**the Title IX coordinator** has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee shall be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the **Principal or the Title IX coordinator** may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

### B. District-level Procedure

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a **Principal or Title IX coordinator**, as well as those appealed to the Superintendent following an initial investigation by a **Principal or Title IX coordinator**. In the event the complaint of sexual harassment involves the Superintendent, the complaint shall be filed with or referred to the Board President, who shall refer the complaint to a trained investigator not employed by the district for investigation.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a district investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the victim and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

The victim and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, victims have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights.

Employee victims also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights. Nothing in these regulations shall be construed to limit the right of the complainant to file a lawsuit



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in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, which may constitute a crime.

### Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint in good faith, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has in good faith testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

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### Discipline/Penalties

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Vendors: Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

### False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

### Training

All students and employees shall be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each school. All secondary school student body officers shall receive district training about the policy at the beginning of each school year.

The district shall provide all existing employees with either a paper or electronic copy of the district's sexual harassment policy and regulation, and shall provide the same to new employees before the employee starts his/her job.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment.

All new employees shall receive information and training about this policy and regulation at new employee orientation or as soon as possible after starting their jobs. All other employees shall be provided information and training at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for

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investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the victim.

Adoption date: 12-18-12

Revised: 07-24-14

Revised: 10-15-18

### ATTACHED:

1. Notice of Sexual Harassment Policy
2. Report of Sexual Harassment Form
3. Review of Complaint of Sexual Harassment Form
4. District Level Request for Investigation Or Hearing Form
5. Findings of District Level Investigation Form
6. Summary of District Level Hearing Form
7. Hearing Procedure
8. Review of Hearing Alleging Sexual Harassment Form

## NOTICE OF SEXUAL HARASSMENT POLICY

Lake Placid Central School District and Board of Education Policy recognizes that harassment of students and staff on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms victims and negatively impacts the school culture by creating an environment of fear, distrust, intimidation and intolerance. Preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees can work productively. The Board of Education is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. To this end, we condemn and strictly prohibit all forms of sexual harassment on school grounds, school buses and at all school-sponsored activities, programs and events including those that take place at locations outside the district. Because sexual harassment can occur staff to student, staff to staff, student to staff, student to student, male to female, female to male, male to male or female to female, it shall be a violation of this policy for any student, employee or third party (school visitor, intern, contract employee, vendor, etc.) to sexually harass any student or employee.

Statements informing students and employees about the sexual harassment policy shall be distributed in the following ways:

- In student and employee handbooks
- On the district website and
- In student registration materials.
- Posters summarizing the policy shall also be posted in a prominent location at each school.
- All secondary school student body officers shall receive training about the policy
- Through annual employee training sessions
- Through age-appropriate curricular materials
- As incorporated within instruction K-12
- At new employee orientation.

REPORT OF SEXUAL HARASSMENT

This form is to be used by any employee, student, or third party who has either observed or been subject to sexual harassment. It is to be submitted to the building Principal or LPCSD Title IX Coordinator. To insure full investigation it should be completed as accurately as possible. It is not, however, critical to be 100 % precise. An investigation may require the complainant to be interviewed. If complaint is verbal, the Principal or LPCSD Title IX Coordinator should complete this form.

Date: \_\_\_\_\_ Name of complainant: \_\_\_\_\_

School or Building: \_\_\_\_\_ Position or Grade: \_\_\_\_\_

Address of complainant: \_\_\_\_\_ Telephone Number: \_\_\_\_\_

Student's Name (if filed by parent/guardian) \_\_\_\_\_

1. Specific statements of complaint - list persons involved, incident, date, time, and place:

2. Basis for Complaint: Name of person or specific law, policy or regulation.

3. Person harmed or requesting relief:

4. Witnesses (give addresses and phone numbers) or evidence to support complaint:

5. Remedy or relief sought:

Complainant's Signature \_\_\_\_\_

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REVIEW OF COMPLAINT ALLEGING  
SEXUAL HARASSMENT

\_\_\_\_\_  
(DATE)

TO: \_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(ADDRESS)

FROM: \_\_\_\_\_  
PRINCIPAL OR TITLE IX COORDINATOR

RE: COMPLAINT ALLEGING SEXUAL HARASSMENT

As a result of your complaint, alleging sex discrimination, as filed \_\_\_\_\_ (date), the  
remedy or relief sought is (circle one):

Approved      Denied      Revised

Findings: \_\_\_\_\_  
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Further Action, if needed:

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\_\_\_\_\_  
(SIGNATURE OF PRINCIPAL OR TITLE IX COORDINATOR)

If the complainant desires further investigation and action, he or she may request a district level investigation by contacting the Superintendent of schools. Victims also have the right to contact the U.S. Department of Education’s Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.



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FINIDINGS OF DISTRICT LEVEL INVESTIGATION ALLEGING  
SEXUAL HARASSMENT

\_\_\_\_\_  
(DATE)

TO: \_\_\_\_\_  
(NAME)

\_\_\_\_\_  
(ADDRESS)

FROM: \_\_\_\_\_  
SUPERINTENDENT (OR BOARD OF ED. PRESIDENT)

RE: COMPLAINT ALLEGING SEXUAL HARASSMENT

As a result of your complaint, alleging sex discrimination, as filed \_\_\_\_\_ (date), the  
remedy or relief sought is (circle one):

Approved      Denied      Revised

Findings: \_\_\_\_\_  
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Further Action, if needed:  
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\_\_\_\_\_  
(SIGNATURE OF SUPERINTENDENT OR BOARD OF ED. PRESIDENT)

If the complainant desires further investigation and action, he or she may request a district level investigation by contacting the Superintendent of schools. Victims also have the right to contact the U.S. Department of Education’s Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.



SUMMARY OF DISTRICT LEVEL HEARING  
ALLEGING SEXUAL HARASSMENT

NAME OF COMPLAINANT \_\_\_\_\_ DATE \_\_\_\_\_

(Student/Employee)

ADDRESS \_\_\_\_\_

IMMEDIATE SUPERVISOR/PRINCIPAL \_\_\_\_\_

DESCRIPTION OF COMPLAINT (persons involved, incident, date, time, place)

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BASIS FOR COMPLAINT \_\_\_\_\_

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HEARING DISPOSITION \_\_\_\_\_

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(SIGNATURE OF SUPERINTENDENT OR BOARD OF ED. PRESIDENT)

## HEARING PROCEDURE

The Superintendent or his/her designee shall serve as the Hearing Examiner and conduct the hearing. Rules of evidence or any other courtroom procedure are not binding on the Hearing Examiner.

1. Attendance for the Hearing may include:
  - Hearing Examiner
  - Recorder (payment to be made by party requesting such services)
  - Student, Employee, or Applicant bringing complaint
  - Student, Employee, or Applicant Witnesses only when testifying
  - School District Witnesses only when testifying
  - Counsel for the Complainant and/or School District
2. Testimony shall be under oath and witnesses may be cross-examined.
3. Outline of Hearing:
  - Opening statement by Hearing Examiner (Superintendent or designee).
  - Statement of the student/employee/applicant's position, if desired.
  - Statement of the School District's position, if desired.
  - Presentation of student/employee/applicants witnesses and evidence, if any, and right of school to cross-examine.
  - Presentation by School District of its witnesses and evidence with right to cross-examine.
  - Rebuttal or additional information on behalf of student/employee/applicant, if any.
  - Rebuttal or additional information on behalf of School District, if any.
  - Hearing Examiner's clarification questions, if they have not all been asked previously.
  - Closing remarks relevant to the student/employee/applicant's position, if desired.
  - Closing remarks relevant to the School District's position, if desired.
  - Concluding statement of Hearing Examiner.

