

Personnel

SUBJECT: SEXUAL HARASSMENT OF BOCES PERSONNEL

The Board affirms its commitment to non-discrimination and recognizes its responsibility to provide for all BOCES employees an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to BOCES policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, student, and non-employees such as contractors and vendors which occur on BOCES grounds and at all BOCES-sponsored events, programs and activities including those that take place at locations off BOCES premises. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- b) Submission to or rejection of such conduct by an individual as used is a basis for employment decisions affecting such individuals; and
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances should be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the BOCES.

In order for the Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the BOCES' designated complaint officer(s) through informal and/or formal complaint procedures as developed by the BOCES. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual 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 employee should report his/her complaint to the next level of supervisory authority.

Upon receipt of an informal/formal complaint, the BOCES will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the BOCES has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the BOCES 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 any disclosure will be provided on a "need to know" basis.

(Continued)

Personnel

SUBJECT: SEXUAL HARASSMENT OF BOCES PERSONNEL (Cont'd.)

Based upon the results of the investigation, if the BOCES determines that an employee has violated the terms of this policy and/or accompanying regulations, immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, BOCES policy and regulation, and the applicable collective bargaining agreement(s). Third parties (such as school volunteers, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law.

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 sexual harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. 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 District Superintendent/designee(s) will affirmatively discuss the topic of sexual harassment with all employees, express the BOCES condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, 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 training in the investigation of sexual 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 BOCES policy and regulations on sexual harassment will be published in appropriate school publications such as teacher/employee handbooks and/or school calendars.

Title VII of the Civil Rights Act of 1964,
42 United States Code (USC) Section 2000e et seq.
Civil Rights Act of 1991
42 United States Code (USC) Section 1981(a)
29 Code of Federal Regulations (CFR.)
Section 1604.11(a)
Executive Law Sections 296 and 297

Adopted: July 2003

Personnel

**SUBJECT: GRIEVANCE PROCEDURE FOR TITLE IX REGULATIONS
IMPLEMENTING FEDERAL EDUCATION AMENDMENTS PROHIBITING
SEX DISCRIMINATION IN EDUCATIONAL PROGRAMS AT THE
DUTCHESS COUNTY BOCES**

In order to comply with the Title IX Amendment, any student, parent, employee of Dutchess County BOCES, or any person not currently employed or being educated at BOCES who believes he or she has been discriminated against, denied a benefit, or excluded from participation in any BOCES educational program or activity on the basis of sex should follow the grievance procedure outlined below. Prior to instituting a formal grievance, the grievant is encouraged to discuss the alleged violation with the program administrator. In the event that the situation is not resolved informally, the following procedure should be undertaken.

STEP ONE - All grievances should be submitted, in writing, to the Deputy Superintendent, Dutchess County Board of Cooperative Educational Services, 5 BOCES Road, Poughkeepsie, NY 12601. The grievance statement should indicate all aspects of the complaint. If deemed necessary, a hearing will be granted within ten working days of receipt of the grievance; otherwise, a written response will be made within ten working days. If a hearing is granted, the compliance administrator shall have ten working days from the date of the hearing to render a decision. The disposition of the grievance shall be in writing and submitted to the grievant.

STEP TWO - In the event that the grievant is not satisfied with the resolution of the grievance at the first step, he or she may submit a written appeal to the District Superintendent within ten working days of receipt of the disposition in Step One resolution. The District Superintendent will conduct a hearing, if deemed necessary, within ten working days. If a hearing is granted, the District Superintendent shall have ten working days to act upon the grievance. The disposition of the grievance shall be in writing and copies shall be sent to the grievant.

STEP THREE - Appeals from the decision by the District Superintendent in Step Two shall be filed, in writing, with the BOCES Board within ten days of receipt of the grievance. It shall be filed with the Clerk of the Board.

The Board or its designated sub-committee will hear the grievance within 15 working days of its receipt, and shall permit the grievant to address the Board or sub-committee.

Within ten working days after the hearing, the Board shall render its decision. Copies of this decision shall be submitted to all persons involved.

Grievant may be represented by counsel of his or her own choosing at any time during this grievance procedure.

(Continued)

2003

5122
2 of 2

Personnel

**SUBJECT: GRIEVANCE PROCEDURE FOR TITLE IX REGULATIONS
IMPLEMENTING FEDERAL EDUCATION AMENDMENTS PROHIBITING
SEX DISCRIMINATION IN EDUCATIONAL PROGRAMS AT THE
DUTCHESS COUNTY BOCES (Cont'd.)**

Grievant also has the right to present his or her grievance directly to:

Office of Civil Rights, Region II
Federal Plaza
New York, NY 10007
(212) 264-4633

Education Amendments of 1972,
Title IX, 20 USC 1681

Adopted: July 2003
Revised: October 2016