

### **SEXUAL HARASSMENT POLICY – EMPLOYEES**

It is the policy of this school district to prohibit sexual harassment and gender discrimination in the workplace. To that end, all officers, supervisory personnel and employees 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 sex, in the nature of *quid pro quo* sexual harassment or that which creates a sexually hostile work environment.

*Quid pro quo* sexual harassment is that which threatens the loss of employment or a change in working conditions, including promotion, demotion, work assignment, extra-earnings opportunities and extra assignments based upon submission to demands for sexual favors.

Sexual harassment that creates a *hostile work environment* is either pervasive and/or severe conduct that involves unwelcome: sexual advances; 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 work environment shall be objective, based upon the viewpoint of a reasonable person and subjectively perceived to be so by the complainant.

Gender discrimination is defined as pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the work place because of his or her gender.

#### **Procedure**

Any employee who believes that he or she has been subjected to sexual harassment or gender discrimination by an officer, supervisor, business invitee, student or by another employee is encouraged to address the matter with any district Title VII Officer\* who shall promptly conduct an intake interview and explain the following options for resolution:

1. Registering an informal complaint verbally or in writing; or
2. Registering a formal complaint verbally or in writing; or
3. Engaging in mediation to arrive at a resolution of the matter; or
4. Placing the district on notice of the objectionable conduct without seeking a resolution through the complaint process or mediation.

The Title VII Officer shall be authorized to proceed with a matter raised in paragraph 4 as if it had been filed as an informal complaint or a formal complaint at his/her discretion.

The intake Title VII Officer will also explain that the complaining employee shall not be subject to retaliation or retribution by reason of making the complaint and that confidentiality shall be maintained throughout the process, except as necessary to assure fair and due process.

#### **Informal Complaints**

An informal complaint will be promptly reviewed by an intake Title VII Officer, who shall issue a written report to the Superintendent of Schools within seven (7) calendar days. The Superintendent shall take such further action necessary to reasonably deter any further act prohibited by this policy. Such further

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Board of Education Policy 0110.2

Proposed rev. 2018

Draft: First Review – February 20, 2018; Second Review – March 19, 2018

Approved: March 19, 2018

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action may include referring the matter to a Title VII investigator as if it had been filed as a formal complaint.

**Formal Complaints**

All formal complaints shall be received in writing or reduced to writing by an intake Title VII Officer, who shall personally or by reference to a designee on the Board’s approval list conduct a full and fair investigation of the complaint, make written findings of fact and, where warranted, recommend a resolution to the Superintendent of Schools. The Superintendent of Schools shall advise the complainant and the subject of the complaint of the disposition of the complaint, which may include:

1. A finding that this policy has not been violated; or
2. A finding that this policy has been violated and a critical evaluative letter has been issued with a requirement of corrective training for the subject of the complaint; or
3. That disciplinary action has been taken or where pre-disciplinary charges must be preferred, that they have been preferred in order to convene a disciplinary hearing.

**Officers & Investigators**

The Board shall appoint more than one Title VII Officer and several designated Title VII Investigators. Complainant will have a choice of which Title VII Officer to approach regarding a Title VII complaint. If the complaint is about the Superintendent of Schools, the Board shall stand in the Superintendent’s place for review activities.

**Roles of Officers & Investigators**

The Title VII Officers oversee monitoring of School District policy in regard to Title VII law developments; implementation of grievance procedures, including notification, investigation and disposition of complaints; provision of educational materials and training for the district community; conducting and/or coordinating investigations of complaints received pursuant to Title VII; ensuring a fair and neutral process for all parties; and monitoring all other aspects of the District’s Title VII compliance.

The Title VII Investigators investigate all complaints in regard to Title VII violation complaints. All violation complaints will be investigated in a manner that is adequate, reliable, and impartial. The responsibility to conduct an investigation shall not be altered by the fact that another investigation of the alleged violation is being conducted, is pending or has been concluded, by another agency. A District-level investigation may be delayed or suspended at the request of law enforcement

**Appeal of Formal Complaints**

If a formal complaint hasn’t been processed to a satisfactory disposition by the Superintendent within thirty (30) calendar days, unless extended with the written consent of the complainant, the complainant may appeal in writing to the Board to address the failure and direct an expedited investigation with report back to the Board within fifteen (15) calendar days. Regarding matters that have been timely investigated to conclusion, an appeal to the Board may be taken by the complainant or the subject of the complaint within thirty (30) calendar days of being informed of the findings upon the allegations in the complaint.

**Confidentiality**

The district’s Title VII 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

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commenced the proceedings or complaint in order to provide fair and due process. Both the complainant and the subject of the complaint shall be given a copy of the findings in the matter of a formal complaint.

**Consequences**

Any officer, supervisor, or employee who violates this policy shall be subject to corrective action up to and including termination of office or employment, with due process provided as necessary.

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.

**\*Title VII Officers (2)**

*Title: Assistant Superintendent for Business, Finance & Operations*

*Address: 43 Alden Place, Millbrook, NY 12545*

*Phone Number: (845) 677-4200 x1110*

*Title: Assistant Superintendent for Curriculum, Instruction & PPS*

*Address: 43 Alden Place, Millbrook, NY 12545*

*Phone Number: (845) 677-4200 x1106*

**\*Title VII Investigators (4)**

*Title: High School Principal*

*Address: 70 Church Street, Millbrook, NY 12545*

*Phone Number: (845) 677-2510*

*Title: Middle School Principal*

*Address: 43 Alden Place, Millbrook, NY 12545*

*Phone Number: (845) 677-4210*

*Title: Alden Place Elementary School Principal*

*Address: 41 Alden Place, Millbrook, NY 12545*

*Phone Number: (845) 677-4220*

*Title: Elm Drive Elementary School Principal*

*Address: 12 Elm Drive, Millbrook, NY 12545*

*Phone Number: (845) 677-4225*