

AGENDA

BOARD OF EDUCATION • LEVITTOWN, NEW YORK

LEVITTOWN UNION FREE SCHOOL DISTRICT • TOWN OF HEMPSTEAD • LEVITTOWN, NEW YORK
www.levittownschools.com

BUDGET PLANNING SESSION

LEVITTOWN MEMORIAL EDUCATION CENTER
Wednesday, January 22, 2020

Immediately following Special Meeting

Success for Every Student

(Note: Items on this Budget Planning Session appear in order of intended discussion. As per previous understanding with the Board, any items which are not reached during the meeting will be carried forward to subsequent Budget Planning Sessions, Planning Sessions or Ad Hoc portion of Regular Meetings.)

I. CALL TO ORDER

II. INFORMATIONAL ITEMS

1. Student Academic Presentation - Northside School
2. Football Sports Awards
3. Second Draft Budget - Dr. Chris Dillon
 - i. Facilities Budget and Capital Projects
4. Summer Remedial Programs - T. Winch
5. Strategic Plan Discussion

6. Board Policies - First Read
 - Policy No. 3420 Policy Against Workplace Discrimination and Harassment
 - Policy No. 6121 Policy Against Workplace Sexual Harassment

Enclosure

III. MOTION TO ADJOURN

LEVITTOWN SCHOOLS**POLICY # 3420**

Page 1 of 7

COMMUNITY RELATIONS**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT**

The District is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered illegally harassing, coercive or disruptive. Discrimination or harassment based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law is strictly prohibited and will not be sanctioned or tolerated. The Board further recognizes that preventing and remedying illegal harassment and discrimination is essential to ensure a nondiscriminatory environment in which employees can work productively.

This policy prohibits unlawful workplace discrimination and harassment based upon any characteristic or status protected by applicable law other than sexual harassment (including sexual orientation, gender identity and the status of being transgender). Complaints or concerns about workplace sexual harassment are addressed separately in the District's Policy Against Workplace Sexual Harassment (Policy 612I).

Prohibited Conduct

Harassment on the basis of any protected characteristic is strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law. This includes, but is not limited to: any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment. This prohibition extends to conduct by school employees, officers, board members, volunteers, students and non-employees such as agents, contractors and vendors, which occurs on school grounds or at school-sponsored events, programs or activities, including those that take place at locations off school premises or in another state.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the District's premises, circulated in the workplace, or on the internet.

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or bases protected by applicable law or this Policy.

(continued)

Attachment: Policy 3420 Original (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS

POLICY # 3420

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COMMUNITY RELATIONS

SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT (Cont'd.)

Complaint Procedure

Any employee who believes that he or she has been subjected to prohibited harassment or discrimination or who has witnessed anyone engaging in prohibited harassment or discrimination should immediately contact a Compliance Officer. If the complaint involves or the employee is hesitant to bring the matter to the attention of a Compliance Officer, a report can be made to the Superintendent of Schools. If the complaint involves or the employee is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education.

The contact information for the District's Compliance Officer(s), Superintendent of Schools and Board of Education President are listed on the District's website and will be distributed to all employees each school year.

It is the responsibility of all supervisors to ensure that no employee is subjected to any form of prohibited harassment or discrimination. Should a supervisor become aware of the occurrence of harassment or discrimination, irrespective of whether the affected employee has filed a complaint, it is the responsibility of that supervisor to follow the procedures set forth below in order to ensure that appropriate action is taken to eliminate the harassment or discrimination and rectify the situation.

The following procedure must be followed when there is any indication that harassment or discrimination has taken, or is taking, place:

- An employee who raises a question or concern regarding harassment or discrimination should be encouraged to file a written complaint with a Compliance Officer. A form for filing the complaint is attached to this Policy. If the complaint involves or if the employee is hesitant to file the complaint with a Compliance Officer, the employee should file the complaint directly with the Superintendent of Schools. If the employee's complaint involves or the employee is hesitant to report to the Superintendent of Schools, the employee should file a complaint with the President of the Board of Education.
- In the event that a supervisor becomes aware of an occurrence of harassment or discrimination, but discovers that no complaint has been filed by the affected employee or that the employee is unwilling to file a complaint, the supervisor must immediately notify a Compliance Officer.
- All complaints about suspected harassment or discrimination will be investigated, whether that information was reported in oral or written form.
- All complaints of harassment or discrimination will be investigated by the Compliance Officer, or a designee of the Compliance Officer, Superintendent of Schools or the Board of Education (which may include a third party). The investigation will include, but not be limited to, interviewing the complaining party, the accused, any supervisors, and any other personnel, as necessary, to obtain sufficient factual information upon which to make a determination. All records of this investigation will be maintained in an independent and confidential file. Third parties may be designated to investigate the complaint or assist with any investigation.

(continued)

LEVITTOWN SCHOOLS

POLICY # 3420

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COMMUNITY RELATIONS

SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT (Cont'd.)

- At the conclusion of the investigation, the investigator will report the findings to the Superintendent of Schools or, if the complaint involves the Superintendent of Schools, to the Board President. If it is found that prohibited harassment or discrimination has, in fact, occurred, appropriate corrective action will be taken.
- Where appropriate, the affected employee and the accused will be separately advised by the investigator as to the final disposition of the investigation.
- All investigations will be conducted in a prompt, thorough and impartial manner.

Confidentiality

At all stages of this process, the confidentiality and privacy of all parties, including complainants, informants, witnesses and the accused, will be respected to the extent possible and consistent with law while still conducting a thorough investigation of the complaint and taking appropriate corrective action as necessary.

Retaliation is Prohibited

Any act of retaliation against anyone who, in good faith, reports an incident of harassment or discrimination, or provides information or assists in an investigation of suspected harassment or discrimination as a witness or otherwise is prohibited and will not be tolerated.

For purposes of this Policy, retaliation includes, but is not limited to: adverse employment action(s) (e.g., being discharged, disciplined, discriminated against etc.), verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Anyone who retaliates against another in violation of this Policy is subject to appropriate corrective action including, but not limited to, disciplinary action, as warranted, in accordance with District policy, the District's Code of Conduct, and applicable laws, regulations and contractual provisions.

Any individual who believes that he or she has been subjected to any acts of retaliation should immediately report that conduct to a Compliance Officer. If the complaint involves or the individual is hesitant to bring the matter to the attention of a Compliance Officer, the report should be made to the Superintendent of Schools. If the complaint involves or the individual is hesitant to bring the matter to the attention of the Superintendent of Schools, the report should be made to the President of the Board of Education.

Interim Measures

If the complainant reports that (s)he feels unsafe at work due to the nature of the complaint, the District will determine if interim measures or accommodations need to be made pending the investigation and resolution of the complaint.

(continued)

Attachment: Policy 3420 Original (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 3420**

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COMMUNITY RELATIONS**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT
(Cont'd.)****Corrective Action**

If, after appropriate investigation, the District finds that there has been prohibited harassment, discrimination or retaliation in violation of this Policy or law, appropriate corrective action will be taken in accordance with an applicable collective bargaining or other agreement, District policy, the District's Code of Conduct and applicable laws and regulations.

If the accused is an employee, consequences may include, but are not limited to, disciplinary action up to, and including, termination of employment. If the accused is not a District employee, consequences may include, but are not limited to, termination of any contractual or other relationship between the District and the individual. If the accused is a student, appropriate disciplinary measures may be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Bad Faith Claims

If, after investigating a complaint of harassment or discrimination, it is determined that an individual has intentionally made a claim of harassment or discrimination in bad faith, or intentionally provided false information regarding a harassment, discrimination or retaliation complaint, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that individual.

Regulations

The Superintendent of Schools may develop and implement regulations regarding allegations of harassment or discrimination.

Dissemination and Training

This Policy will be available in each District facility, on the District's website, in employee handbooks and will also be published annually in appropriate school publications. All new employees will receive information about this Policy at new employee orientation. All other employees will be provided information at least once a year regarding this Policy. The District's employees will be required to annually acknowledge receipt of this Policy.

The District's employees will be trained annually with regard to their rights and obligations pursuant to this Policy.

Review and Revision of Policy

A review of this Policy will be conducted periodically to consider its effectiveness and compliance with applicable State and federal law. Revisions will be recommended to the Board when appropriate.

(continued)

LEVITTOWN SCHOOLS**POLICY # 3420**

Page 5 of 7

COMMUNITY RELATIONS**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT
(Cont'd.)**

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Civil Service Law Section 75-B

Education Law Section 2801(1)

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, disability, military status, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Military Law Sections 242 and 243

Re-Adopted: February 13, 2013

Revised: February 3, 2016

Revised: November 2, 2016

Revised: October 17, 2018

(continued)

Attachment: Policy 3420 Original (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 3420**

Page 6 of 7

COMMUNITY RELATIONS**SUBJECT: WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM**

Use this form to file an internal claim of workplace discrimination or harassment (other than sexual harassment, which should be filed in accordance with Policy 6121), including hostile work environment, based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law.

PERSONAL INFORMATION

Name: _____

Building/Department: _____

Home Address: _____

Business Address: _____

Zip __________
Zip _____**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: _____

Title: _____

Business Phone: _____

DETAILS OF CLAIM

I. Claim of discrimination/harassment is based on (check one or more that apply):

☐ RACE
☐ COLOR

☐ RELIGION
☐ MARITAL STATUS

☐ DISABILITY
☐ PREGNENCY OR
 PREGNENCY – RELATED
 CONDITION

☐ NATTONAL ORIGIN
☐ CREED
☐ AGE
☐ VETERAN STATUS

☐ FAMILIAL STATUS
☐ DOMESTIC VIOLENCE
 VICTIM STATUS
☐ GENETIC INFORMATION

☐ ARREST (Not pending)
☐ CRIMINAL CONVICTION
☐ MILITARY STATUS
☐ OTHER (explain)

(continued)

Attachment: Policy 3420 Original (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 3420**

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COMMUNITY RELATIONS**SUBJECT: WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM
(Cont'd.)**

2. Claim of discrimination/harassment is made against: Your Relationship to this person:

Name; _____ () Supervisor
 Work Address: _____ () Co-worker
 _____ () Subordinate
 Work Phone _____ () Other

3. Incident(s) occurred on or about (date(s)):

4. Briefly describe the incident and your reasons for concluding that it was discriminatory/harassing. Include names of witness(es), if any, and attach supporting date, if available. Use an additional sheet(s), if necessary.

AFFIRMATION: I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination/harassment through judicial or administrative processes. I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

DATE RECEIVED:**BY WHOM:**

Signature

Print Name

Signature

Print Name

Signature

Print Name

Attachment: Policy 3420 Original (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS

POLICY # 3420

Page 1 of 7

COMMUNITY RELATIONS

SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT

The District is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered illegally harassing, coercive or disruptive. Discrimination or harassment based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a recognized guide dog, hearing dog or service dog, an employee's or an employee's dependent's reproductive health decision making or any other characteristic or basis protected by applicable law is strictly prohibited and will not be sanctioned or tolerated. The Board further recognizes that preventing and remedying illegal harassment and discrimination is essential to ensure a nondiscriminatory environment in which employees can work productively.

The District will not discriminate or take any adverse employment action against an employee on the basis of that employee's, or his/her dependent's, reproductive health decision making (including, but not limited to, a decision to use or access a particular drug, device or medical service). In addition, the District is prohibited from accessing personal information regarding an employee or his/her dependents' reproductive health decision making without the employee's prior written consent. The District will also refrain from requiring any employee to sign any document that might deny him/her the right to make his/her own reproductive health care decisions. Pursuant to N.Y. Labor Law § 203-e, an employee who feels that his/her rights in this regard have been violated may bring a civil action in court and can seek remedies including an award of damages, injunctive relief, reinstatement and/or liquidated damages.

This policy prohibits unlawful workplace discrimination and harassment based upon any characteristic or status protected by applicable law other than sexual harassment (including sexual orientation, gender identity, gender expression and the status of being transgender). Complaints or concerns about workplace sexual harassment are addressed separately in the District's Policy Against Workplace Sexual Harassment (Policy 612I).

Prohibited Conduct

Harassment on the basis of any protected characteristic is strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law. This includes, but is not limited to: any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment. This prohibition extends to conduct by school employees, officers, board members, volunteers, students and non-employees such as agents, contractors and vendors, which occurs on school grounds or at school-sponsored events, programs or activities, including those that take place at locations off school premises or in another state.

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility
(continued)

Attachment: Policy 3420 Redlined (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 3420**

Page 2 of 7

COMMUNITY RELATIONS**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT
(Cont'd.)**

or aversion toward an individual or group and that is placed on walls or elsewhere on the District's premises, circulated in the workplace, or on the internet.

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or bases protected by applicable law or this Policy.

Complaint Procedure

Any employee who believes that he or she has been subjected to prohibited harassment or discrimination or who has witnessed anyone engaging in prohibited harassment or discrimination should immediately contact a Compliance Officer. If the complaint involves or the employee is hesitant to bring the matter to the attention of a Compliance Officer, a report can be made to the Superintendent of Schools. If the complaint involves or the employee is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education.

The contact information for the District's Compliance Officer(s), Superintendent of Schools and Board of Education President are listed on the District's website and will be distributed to all employees each school year.

It is the responsibility of all supervisors to ensure that no employee is subjected to any form of prohibited harassment or discrimination. Should a supervisor become aware of the occurrence of harassment or discrimination, irrespective of whether the affected employee has filed a complaint, it is the responsibility of that supervisor to follow the procedures set forth below in order to ensure that appropriate action is taken to eliminate the harassment or discrimination and rectify the situation.

The following procedure must be followed when there is any indication that harassment or discrimination has taken, or is taking, place:

- An employee who raises a question or concern regarding harassment or discrimination should be encouraged to file a written complaint with a Compliance Officer. A form for filing the complaint is attached to this Policy. If the complaint involves or if the employee is hesitant to file the complaint with a Compliance Officer, the employee should file the complaint directly with the Superintendent of Schools. If the employee's complaint involves or the employee is hesitant to report to the Superintendent of Schools, the employee should file a complaint with the President of the Board of Education.
- In the event that a supervisor becomes aware of an occurrence of harassment or discrimination, but discovers that no complaint has been filed by the affected employee or that the employee is unwilling to file a complaint, the supervisor must immediately notify a Compliance Officer.

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LEVITTOWN SCHOOLS**POLICY # 3420**

Page 3 of 7

COMMUNITY RELATIONS**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT
(Cont'd.)**

- All complaints about suspected harassment or discrimination will be investigated, whether that information was reported in oral or written form.
- All complaints of harassment or discrimination will be investigated by the Compliance Officer, or a designee of the Compliance Officer, Superintendent of Schools or the Board of Education (which may include a third party). The investigation will include, but not be limited to, interviewing the complaining party, the accused, any supervisors, and any other personnel, as necessary, to obtain sufficient factual information upon which to make a determination. All records of this investigation will be maintained in an independent and confidential file. Third parties may be designated to investigate the complaint or assist with any investigation.
- At the conclusion of the investigation, the investigator will report the findings to the Superintendent of Schools or, if the complaint involves the Superintendent of Schools, to the Board President. If it is found that prohibited harassment or discrimination has, in fact, occurred, appropriate corrective action will be taken.
- Where appropriate, the affected employee and the accused will be separately advised by the investigator as to the final disposition of the investigation.
- All investigations will be conducted in a prompt, thorough and impartial manner.

Confidentiality

At all stages of this process, the confidentiality and privacy of all parties, including complainants, informants, witnesses and the accused, will be respected to the extent possible and consistent with law while still conducting a thorough investigation of the complaint and taking appropriate corrective action as necessary.

Retaliation is Prohibited

Any act of retaliation against anyone who, in good faith, reports an incident of harassment or discrimination, or provides information or assists in an investigation of suspected harassment or discrimination as a witness or otherwise is prohibited and will not be tolerated.

For purposes of this Policy, retaliation includes, but is not limited to: adverse employment action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*), verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Anyone who retaliates against another in violation of this Policy is subject to appropriate corrective action including, but not limited to, disciplinary action, as warranted, in accordance with District policy, the District's Code of Conduct, and applicable laws, regulations and contractual provisions.

(continued)

Attachment: Policy 3420 Redlined (3713 : Board Policies - First Read)

EVITTOWN SCHOOLS**POLICY # 3420**

Page 4 of 7

COMMUNITY RELATIONS**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT
(Cont'd.)**

Any individual who believes that he or she has been subjected to any acts of retaliation should immediately report that conduct to a Compliance Officer. If the complaint involves or the individual is hesitant to bring the matter to the attention of a Compliance Officer, the report should be made to the Superintendent of Schools. If the complaint involves or the individual is hesitant to bring the matter to the attention of the Superintendent of Schools, the report should be made to the President of the Board of Education.

Interim Measures

If the complainant reports that (s)he feels unsafe at work due to the nature of the complaint, the District will determine if interim measures or accommodations need to be made pending the investigation and resolution of the complaint.

Corrective Action

If, after appropriate investigation, the District finds that there has been prohibited harassment, discrimination or retaliation in violation of this Policy or law, appropriate corrective action will be taken in accordance with an applicable collective bargaining or other agreement, District policy, the District's Code of Conduct and applicable laws and regulations.

If the accused is an employee, consequences may include, but are not limited to, disciplinary action up to, and including, termination of employment. If the accused is not a District employee, consequences may include, but are not limited to, termination of any contractual or other relationship between the District and the individual. If the accused is a student, appropriate disciplinary measures may be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Bad Faith Claims

If, after investigating a complaint of harassment or discrimination, it is determined that an individual has intentionally made a claim of harassment or discrimination in bad faith, or intentionally provided false information regarding a harassment, discrimination or retaliation complaint, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that individual.

Regulations

The Superintendent of Schools may develop and implement regulations regarding allegations of harassment or discrimination.

(continued)

Attachment: Policy 3420 Redlined (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 3420**

Page 5 of 7

COMMUNITY RELATIONS**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT
(Cont'd.)****Dissemination and Training**

This Policy will be available in each District facility, on the District's website, in employee handbooks and will also be published annually in appropriate school publications. All new employees will receive information about this Policy at new employee orientation. All other employees will be provided information at least once a year regarding this Policy. The District's employees will be required to annually acknowledge receipt of this Policy.

The District's employees will be trained annually with regard to their rights and obligations pursuant to this Policy.

Review and Revision of Policy

A review of this Policy will be conducted periodically to consider its effectiveness and compliance with applicable State and federal law. Revisions will be recommended to the Board when appropriate.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Civil Service Law Section 75-B

Education Law Section 2801(1)

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, [gender identity or expression](#), disability, [predisposing genetic characteristics](#), [familial status](#), military status, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Military Law Sections 242 and 243

Re-Adopted: February 13, 2013

Revised: February 3, 2016

Revised: November 2, 2016

Revised: October 17, 2018

Revised:

Attachment: Policy 3420 Redlined (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 3420**

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COMMUNITY RELATIONS**SUBJECT: WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM**

Use this form to file an internal claim of workplace discrimination or harassment (other than sexual harassment, which should be filed in accordance with Policy 6121), including hostile work environment, based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a recognized guide dog, hearing dog or service dog, an employee's or an employee's dependent's reproductive health decision making or any other characteristic or basis protected by applicable law.

PERSONAL INFORMATION

Name: _____

Building/Department: _____

Home Address: _____

Business Address: _____

Zip __________
Zip _____**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: _____

Title: _____

Business Phone: _____

DETAILS OF CLAIM

I. Claim of discrimination/harassment is based on (check one or more that apply):

☐ RACE
☐ COLOR

☐ RELIGION
☐ MARITAL STATUS

☐ DISABILITY
☐ PREGNANCY OR
PREGNANCY –

RELATED

☐ ~~NATIONAL~~ NATIONAL ORIGIN☐ FAMILIAL STATUS

CONDITION

☐ CREED☐ DOMESTIC VIOLENCE☐ ARREST (Not pending)☐ AGE☐ VICTIM STATUS☐ CRIMINAL CONVICTION☐ VETERAN STATUS☐ GENETIC INFORMATION☐ MILITARY STATUS☐ OTHER (explain)

LEVITTOWN SCHOOLS**POLICY # 3420**

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COMMUNITY RELATIONS**SUBJECT: WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM
(Cont'd.)**

2. Claim of discrimination/harassment is made against: Your Relationship to this person:

Name: _____ () Supervisor
 Work Address: _____ () Co-worker
 _____ () Subordinate
 Work Phone: _____ () Other: _____

3. Incident(s) occurred on or about (date(s)):

4. Briefly describe the incident and your reasons for concluding that it was discriminatory/harassing. Include names of witness(es), if any, and attach supporting date, if available. Use an additional sheet(s), if necessary.

AFFIRMATION: I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination/harassment through judicial or administrative processes. I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

DATE RECEIVED:**BY WHOM:**

Signature

Print Name

Signature

Print Name

Signature

Print Name

Attachment: Policy 3420 Redlined (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 3420**

Page 1 of 7

COMMUNITY RELATIONS**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT**

The District is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered illegally harassing, coercive or disruptive. Discrimination or harassment based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a recognized guide dog, hearing dog or service dog, an employee's or an employee's dependent's reproductive health decision making or any other characteristic or basis protected by applicable law is strictly prohibited and will not be sanctioned or tolerated. The Board further recognizes that preventing and remedying illegal harassment and discrimination is essential to ensure a nondiscriminatory environment in which employees can work productively.

The District will not discriminate or take any adverse employment action against an employee on the basis of that employee's, or his/her dependent's, reproductive health decision making (including, but not limited to, a decision to use or access a particular drug, device or medical service). In addition, the District is prohibited from accessing personal information regarding an employee or his/her dependents' reproductive health decision making without the employee's prior written consent. The District will also refrain from requiring any employee to sign any document that might deny him/her the right to make his/her own reproductive health care decisions. Pursuant to N.Y. Labor Law § 203-e, an employee who feels that his/her rights in this regard have been violated may bring a civil action in court and can seek remedies including an award of damages, injunctive relief, reinstatement and/or liquidated damages.

This policy prohibits unlawful workplace discrimination and harassment based upon any characteristic or status protected by applicable law other than sexual harassment (including sexual orientation, gender identity, gender expression and the status of being transgender). Complaints or concerns about workplace sexual harassment are addressed separately in the District's Policy Against Workplace Sexual Harassment (Policy 612I).

Prohibited Conduct

Harassment on the basis of any protected characteristic is strictly prohibited. Harassment is considered verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, or any other characteristic or basis protected by applicable law. This includes, but is not limited to: any conduct that has the purpose or effect of creating an intimidating, hostile, or offensive work environment; has the purpose or effect of unreasonably interfering with an individual's work performance; or otherwise adversely affects an individual's employment. This prohibition extends to conduct by school employees, officers, board members, volunteers, students and non-employees such as agents, contractors and vendors, which occurs on school grounds or at school-sponsored events, programs or activities, including those that take place at locations off school premises or in another state.

(continued)

Attachment: Policy 3420 Accepted (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 3420**

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COMMUNITY RELATIONS**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT
(Cont'd.)**

Harassing conduct includes, but is not limited to: epithets, slurs, or negative stereotyping; threatening, intimidating or hostile acts; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the District's premises, circulated in the workplace, or on the internet.

Discrimination is the act of treating or allowing similarly situated employees or applicants for employment to be treated differently with respect to hiring, firing, promotion or any other term or condition of employment because of any characteristics or bases protected by applicable law or this Policy.

Complaint Procedure

Any employee who believes that he or she has been subjected to prohibited harassment or discrimination or who has witnessed anyone engaging in prohibited harassment or discrimination should immediately contact a Compliance Officer. If the complaint involves or the employee is hesitant to bring the matter to the attention of a Compliance Officer, a report can be made to the Superintendent of Schools. If the complaint involves or the employee is hesitant to report to the Superintendent of Schools, the individual should report the behavior to the President of the Board of Education.

The contact information for the District's Compliance Officer(s), Superintendent of Schools and Board of Education President are listed on the District's website and will be distributed to all employees each school year.

It is the responsibility of all supervisors to ensure that no employee is subjected to any form of prohibited harassment or discrimination. Should a supervisor become aware of the occurrence of harassment or discrimination, irrespective of whether the affected employee has filed a complaint, it is the responsibility of that supervisor to follow the procedures set forth below in order to ensure that appropriate action is taken to eliminate the harassment or discrimination and rectify the situation.

The following procedure must be followed when there is any indication that harassment or discrimination has taken, or is taking, place:

- An employee who raises a question or concern regarding harassment or discrimination should be encouraged to file a written complaint with a Compliance Officer. A form for filing the complaint is attached to this Policy. If the complaint involves or if the employee is hesitant to file the complaint with a Compliance Officer, the employee should file the complaint directly with the Superintendent of Schools. If the employee's complaint involves or the employee is hesitant to report to the Superintendent of Schools, the employee should file a complaint with the President of the Board of Education.
- In the event that a supervisor becomes aware of an occurrence of harassment or discrimination, but discovers that no complaint has been filed by the affected employee or that the employee is unwilling to file a complaint, the supervisor must immediately notify a Compliance Officer.

(continued)

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COMMUNITY RELATIONS

SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT (Cont'd.)

- All complaints about suspected harassment or discrimination will be investigated, whether that information was reported in oral or written form.
- All complaints of harassment or discrimination will be investigated by the Compliance Officer, or a designee of the Compliance Officer, Superintendent of Schools or the Board of Education (which may include a third party). The investigation will include, but not be limited to, interviewing the complaining party, the accused, any supervisors, and any other personnel, as necessary, to obtain sufficient factual information upon which to make a determination. All records of this investigation will be maintained in an independent and confidential file. Third parties may be designated to investigate the complaint or assist with any investigation.
- At the conclusion of the investigation, the investigator will report the findings to the Superintendent of Schools or, if the complaint involves the Superintendent of Schools, to the Board President. If it is found that prohibited harassment or discrimination has, in fact, occurred, appropriate corrective action will be taken.
- Where appropriate, the affected employee and the accused will be separately advised by the investigator as to the final disposition of the investigation.
- All investigations will be conducted in a prompt, thorough and impartial manner.

Confidentiality

At all stages of this process, the confidentiality and privacy of all parties, including complainants, informants, witnesses and the accused, will be respected to the extent possible and consistent with law while still conducting a thorough investigation of the complaint and taking appropriate corrective action as necessary.

Retaliation is Prohibited

Any act of retaliation against anyone who, in good faith, reports an incident of harassment or discrimination, or provides information or assists in an investigation of suspected harassment or discrimination as a witness or otherwise is prohibited and will not be tolerated.

For purposes of this Policy, retaliation includes, but is not limited to: adverse employment action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*), verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, and any other form of harassment. Anyone who retaliates against another in violation of this Policy is subject to appropriate corrective action including, but not limited to, disciplinary action, as warranted, in accordance with District policy, the District's Code of Conduct, and applicable laws, regulations and contractual provisions.

(continued)

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COMMUNITY RELATIONS

SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT (Cont'd.)

Any individual who believes that he or she has been subjected to any acts of retaliation should immediately report that conduct to a Compliance Officer. If the complaint involves or the individual is hesitant to bring the matter to the attention of a Compliance Officer, the report should be made to the Superintendent of Schools. If the complaint involves or the individual is hesitant to bring the matter to the attention of the Superintendent of Schools, the report should be made to the President of the Board of Education.

Interim Measures

If the complainant reports that (s)he feels unsafe at work due to the nature of the complaint, the District will determine if interim measures or accommodations need to be made pending the investigation and resolution of the complaint.

Corrective Action

If, after appropriate investigation, the District finds that there has been prohibited harassment, discrimination or retaliation in violation of this Policy or law, appropriate corrective action will be taken in accordance with an applicable collective bargaining or other agreement, District policy, the District's Code of Conduct and applicable laws and regulations.

If the accused is an employee, consequences may include, but are not limited to, disciplinary action up to, and including, termination of employment. If the accused is not a District employee, consequences may include, but are not limited to, termination of any contractual or other relationship between the District and the individual. If the accused is a student, appropriate disciplinary measures may be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Bad Faith Claims

If, after investigating a complaint of harassment or discrimination, it is determined that an individual has intentionally made a claim of harassment or discrimination in bad faith, or intentionally provided false information regarding a harassment, discrimination or retaliation complaint, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that individual.

Regulations

The Superintendent of Schools may develop and implement regulations regarding allegations of harassment or discrimination.

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COMMUNITY RELATIONS

**SUBJECT: POLICY AGAINST WORKPLACE DISCRIMINATION AND HARASSMENT
(Cont'd.)**

Dissemination and Training

This Policy will be available in each District facility, on the District's website, in employee handbooks and will also be published annually in appropriate school publications. All new employees will receive information about this Policy at new employee orientation. All other employees will be provided information at least once a year regarding this Policy. The District's employees will be required to annually acknowledge receipt of this Policy.

The District's employees will be trained annually with regard to their rights and obligations pursuant to this Policy.

Review and Revision of Policy

A review of this Policy will be conducted periodically to consider its effectiveness and compliance with applicable State and federal law. Revisions will be recommended to the Board when appropriate.

Age Discrimination in Employment Act, 29 United States Code (USC) Section 621

Americans With Disabilities Act, 42 United States Code (USC) Section 12101 et seq.

Prohibits discrimination on the basis of disability.

Section 504 of the Rehabilitation Act of 1973, 29 United States Code (USC) Section 794 et seq.

Prohibits discrimination on the basis of disability.

Title VI of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000d et seq.

Prohibits discrimination on the basis of race, color or national origin.

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

Prohibits discrimination on the basis of race, color, religion, sex or national origin.

Title IX of the Education Amendments of 1972, 20 United States Code (USC) Section 1681 et seq.

Prohibits discrimination on the basis of sex.

Civil Rights Law Section 40-c

Prohibits discrimination on the basis of race, creed, color, national origin, sex, sexual orientation, marital status or disability.

Civil Service Law Section 75-B

Education Law Section 2801(1)

Executive Law Section 290 et seq.

Prohibits discrimination on the basis of age, race, creed, color, national origin, sex, sexual orientation, gender identity or expression, disability, predisposing genetic characteristics, familial status, military status, marital status, use of a recognized guide dog, hearing dog or service dog, or domestic violence victim status.

Military Law Sections 242 and 243

Re-Adopted: February 13, 2013

Revised: February 3, 2016

Revised: November 2, 2016

Revised: October 17, 2018

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COMMUNITY RELATIONS**SUBJECT: WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM**

Use this form to file an internal claim of workplace discrimination or harassment (other than sexual harassment, which should be filed in accordance with Policy 6121), including hostile work environment, based on race, color, national origin, creed, age, genetic information, marital status, familial status, domestic violence victim status, religion, disability, pregnancy-related condition, arrest (not pending), criminal conviction, military or veteran service status, use of a recognized guide dog, hearing dog or service dog, an employee's or an employee's dependent's reproductive health decision making or any other characteristic or basis protected by applicable law.

PERSONAL INFORMATION

Name: _____

Building/Department: _____

Home Address: _____

Business Address: _____

Zip __________
Zip _____**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: _____

Title: _____

Business Phone: _____

DETAILS OF CLAIM

I. Claim of discrimination/harassment is based on (check one or more that apply):

- | | | |
|--|--|---|
| <input type="checkbox"/> RACE | <input type="checkbox"/> RELIGION | <input type="checkbox"/> DISABILITY |
| <input type="checkbox"/> COLOR | <input type="checkbox"/> MARITAL STATUS | <input type="checkbox"/> PREGNANCY OR
PREGNANCY – RELATED
CONDITION |
| <input type="checkbox"/> NATIONAL ORIGIN | <input type="checkbox"/> FAMILIAL STATUS | <input type="checkbox"/> ARREST (Not pending) |
| <input type="checkbox"/> CREED | <input type="checkbox"/> DOMESTIC VIOLENCE | <input type="checkbox"/> CRIMINAL CONVICTION |
| <input type="checkbox"/> AGE | <input type="checkbox"/> VICTIM STATUS | <input type="checkbox"/> MILITARY STATUS |
| <input type="checkbox"/> VETERAN STATUS | <input type="checkbox"/> GENETIC INFORMATION | |
| <input type="checkbox"/> OTHER (explain) | | |

(continued)

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COMMUNITY RELATIONS**SUBJECT: WORKPLACE DISCRIMINATION/HARASSMENT COMPLAINT FORM
(Cont'd.)**

2. Claim of discrimination/harassment is made against: Your Relationship to this person:

Name: _____

☐ Supervisor

Work Address: _____

☐ Co-worker☐ Subordinate

Work Phone: _____

☐ Other: _____

3. Incident(s) occurred on or about (date(s)):

4. Briefly describe the incident and your reasons for concluding that it was discriminatory/harassing.

Include names of witness(es), if any, and attach supporting date, if available. Use an additional sheet(s), if necessary.

AFFIRMATION: I understand that the filing of this internal claim does not prevent me from filing a claim of discrimination/harassment through judicial or administrative processes. I hereby affirm that the information contained in this claim is true and correct to the best of my knowledge, information and belief.

DATE: _____

SIGNATURE: _____

PRINT NAME: _____

DATE RECEIVED:**BY WHOM:**

Signature

Print Name

Signature

Print Name

Signature

Print Name

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LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT****Introduction**

The Levittown U.F.S.D. ("District") is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the District's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, Board members, student teachers, interns, non-employees (as defined below) and other persons conducting business with the District have a legal right to a workplace that is free from sexual harassment.

The District is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment. For more information, please see Policy 3420, Policy Against Workplace Discrimination and Harassment, Policy 6120, Equal Employment Opportunity, and Policy 6122, Complaints and Grievances by Employees.

Policy

This Policy applies to all employees, applicants for employment, Board members, student teachers, interns, non-employees (see definition below), and other persons conducting business with the District, regardless of immigration status, ("covered individuals") with respect to conduct by other persons, including parents, students and visitors.

For purposes of this Policy, a "non-employee" is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the District.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the District's Policies, unlawful, and may subject the District to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the District will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

(continued)

Attachment: Policy #6121 Original (3713 : Board Policies - First Read)

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POLICY # 6121

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PERSONNEL

SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)

What is “Sexual Harassment?”

Sexual harassment is a form of sex discrimination and is unlawful pursuant to 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.

Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status when:

- the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender identity or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. Job benefits may include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “*quid pro quo*” harassment.

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

(continued)

Attachment: Policy #6121 Original (3713 : Board Policies - First Read)

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Examples of Sexual Harassment**

The following describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical acts of a sexual nature including:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
 - 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; and
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience that creates a hostile work environment.
- Sex stereotyping which 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.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender identity or transgender status, including:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;
 - Sabotaging a person's work; and
 - Bullying, yelling or name-calling.

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Who Can be a Target of Sexual Harassment?**

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

Retaliation is Prohibited

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated. Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District will be implemented.

No covered individual will be subject to adverse action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Unlawful retaliation can be any action that could discourage a covered individual from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (*e.g.*, threats of physical violence outside of work hours).

Retaliation is unlawful pursuant to federal, State and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has, in good faith:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;

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POLICY # 6121

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PERSONNEL

SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)

- 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 sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to the Title IX Coordinator. If the complaint involves or the individual is hesitant to report to the Title IX Coordinator, the individual should report the conduct to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to President of the Board of Education. Contact information for these individuals can be found on the District's website.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to the Title IX Coordinator. If the complaint involves or the individual is hesitant to report to the Title IX Coordinator, the individual should report the behavior to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to President of the Board of Education. Contact information for these individuals can be found on the District's website.

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf.

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason become aware of or suspect that sexual harassment is occurring or has occurred, are **required** to report that suspected sexual harassment to the Title IX Coordinator, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Title IX Coordinator, the supervisor/manager must report the suspected sexual harassment to the Superintendent of Schools. If the complaint or information involves the Superintendent of Schools, the supervisor/manager must report the suspected sexual harassment to the President of the Board of Education. Contact information for these individuals can be found on the District's website.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. The District will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The Title IX Coordinator, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the Title IX Coordinator, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Title IX Coordinator, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Title IX Coordinator, or designee, will prepare a complaint form based on the oral reporting.
- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the District will take steps to obtain and preserve them.
- The Title IX Coordinator, or designee, will request and review all relevant documents, including all electronic communications.
- The Title IX Coordinator, or designee, will interview all parties involved, including any relevant witnesses.
- All records of the investigation will be maintained in a secure and confidential location.
- The Title IX Coordinator, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The Title IX Coordinator, or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.
- At the conclusion of the investigation, the Title IX Coordinator, or designee, will report the findings to the Superintendent of Schools. If it is found that prohibited sexual harassment has, in fact, occurred, the Title IX Coordinator, or designee, will make a recommendation to the Superintendent of Schools and appropriate corrective action will be taken.

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Corrective Action**

Any person, including covered individuals of every level who, upon an investigation in accordance with this Policy, is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (*e.g.*, suspension or termination of employment). If the accused is a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the District and the non-employee or other individual.

If the accused is a student, appropriate disciplinary measures will be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Confidentiality

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the District to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

Bad Faith Claims

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that person, subject to any statutory or contractual limitations.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District, but it is also prohibited by State, federal and (where applicable) local law. Aside from the internal process at the District, covered individuals may also choose to pursue legal remedies including, for example, in court and/or with the below governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

New York State Human Rights Law (HRL)

The HRL, codified as N.Y. Executive Law, Art. 15, § 290 *et seq.*, applies to employers in New York State with regard to sexual harassment and protects employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

the Human Rights Law may be filed either with the DHR or in New York State Supreme Court. Complaints with the DHR may be filed any time within one year of the harassment. If an individual did not file at the DHR, they can sue directly in State court pursuant to the HRL within three years of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in State court.

Complaining internally to the District does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The contact information for DHR's Nassau County Office is: 50 Clinton Street, Suite 301, Hempstead, New York 11550, (516) 539-6848, www.dhr.ny.gov. Individuals can contact the DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. You do not need an attorney to file a complaint with the EEOC and there is no cost to file. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

United States Department of Education Office for Civil Rights (OCR)

OCR enforces Title IX of the federal Education Amendments of 1972 (codified as 20 U.S.C. §§ 1681-1688), which prohibits discrimination on the basis of sex, pregnancy, marital or parental status in employment, recruitment, consideration or selection for employment including recruitment, hiring, promotion, compensation, grants of leaves or benefits, as well as retaliation. Individuals whose employment is covered by Title IX can file a complaint with OCR, ordinarily within 180 days of the last act of harassment/discrimination. You do not need an attorney to file a complaint with OCR and there is no cost to file. OCR can be contacted at: 32 Old Slip, 26th Floor, New York, NY 10005-2500, (646) 428-3800.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Nassau County may file complaints of sexual harassment with the Nassau County Human Rights Commission at: 240 Old Country Road, 6th Floor, Suite 606, Mineola, New York 11501, (516) 571-3662.

Contact the Police Department

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

Other District Policies

Employee complaints or reports of harassment (based on a status other than sex) or discrimination should be reported pursuant to Policy 3420, Policy Against Workplace Discrimination and Harassment, Policy 6120, Equal Employment Opportunity, and/or Policy 6122, Complaints and Grievances by Employees. Student complaints or reports of harassment, including sexual harassment, discrimination, hazing or bullying should be made pursuant to Policy 7551, Sexual Harassment of Students, or Policy 7550, Dignity for All Students.

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Dissemination and Training**

This Policy should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location). The Levittown School will provide this Policy to all employees and will provide this Policy to new employees upon hire.

All employees will receive sexual harassment prevention training at least annually.

We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)

29 Code of Federal Regulations (CFR) Section 1604.11(a)

Education Law Section 2801(1)

Executive Law Sections 296 and 297

Re-Adopted: October 10, 2012

Revised: February 3, 2016

Revised: October 17, 2018

Attachment: Policy #6121 Original (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: SEXUAL HARASSMENT COMPLAINT FORM**

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Title IX Coordinator. If the complaint involves or you are hesitant to report to the Title IX Coordinator, you may submit this form to the Superintendent of Schools or if it involves the Superintendent of Schools, then you may submit the form to the President of the Board of Education. The contact information for the Title IX Coordinator, Superintendent of Schools and the President of the Board of Education is available on the District's website. This form can be submitted in person or by email. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the District will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____
 Work Address: _____
 Work Phone: _____
 Job Title: _____ Email: _____
 Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____
 Title: _____
 Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made about:

Name: _____ Title: _____
 Work Address: _____ Work Phone: _____

Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: SEXUAL HARASSMENT COMPLAINT FORM (Cont'd)**

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you retained legal counsel and would like us to work with them, please provide their contact information. _____

I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.

Signature: _____ Date: _____

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT****Introduction**

The Levittown U.F.S.D. ("District") is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the District's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, Board members, student teachers, interns, non-employees (as defined below) and other persons conducting business with the District have a legal right to a workplace that is free from sexual harassment.

The District is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment. For more information, please see Policy 3420, Policy Against Workplace Discrimination and Harassment; Policy 6120, Equal Employment Opportunity; and Policy 6122, Complaints and Grievances by Employees.

Policy

This Policy applies to all employees, applicants for employment, Board members, student teachers, interns, non-employees (see definition below), and other persons conducting business with the District, regardless of immigration status, ("covered individuals") with respect to conduct by other persons, including parents, students and visitors.

For purposes of this Policy, a "non-employee" is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the District.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the District's Policies, unlawful, and may subject the District to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the District will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

(continued)

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****What is “Sexual Harassment?”**

Sexual harassment is a form of sex discrimination and is unlawful pursuant to 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.

Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender expression, gender identity or transgender status when:

- the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender expression, gender identity or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. Job benefits may include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “*quid pro quo*” harassment.

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

(continued)

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Examples of Sexual Harassment**

The following describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical acts of a sexual nature including:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
 - 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; and
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience that creates a hostile work environment.
- Sex stereotyping which 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.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender expression, gender identity or transgender status, including:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;

(continued)

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

- Sabotaging a person's work; and
- Bullying, yelling or name-calling.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**Retaliation is Prohibited**

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated. Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District will be implemented.

No covered individual will be subject to adverse action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Unlawful retaliation can be any action that could discourage a covered individual from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (*e.g.*, threats of physical violence outside of work hours).

(continued)

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

Retaliation is unlawful pursuant to federal, State and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in “protected activity.” Protected activity occurs when a person has, in good faith:

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;
- 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 sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to the Title IX Coordinator. If the complaint involves or the individual is hesitant to report to the Title IX Coordinator, the individual should report the conduct to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to President of the Board of Education. Contact information for these individuals can be found on the District’s website.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on “Legal Protections and External Remedies.”

SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**Reporting Sexual Harassment**

Preventing sexual harassment is everyone’s responsibility. The District cannot prevent or remedy sexual harassment unless we know about it.

(continued)

Attachment: Policy 6121 Redlined (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to the Title IX Coordinator. If the complaint involves or the individual is hesitant to report to the Title IX Coordinator, the individual should report the behavior to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to President of the Board of Education. Contact information for these individuals can be found on the District's website.

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason become aware of or suspect that sexual harassment is occurring or has occurred, are **required** to report that suspected sexual harassment to the Title IX Coordinator, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Title IX Coordinator, the supervisor/manager must report the suspected sexual harassment to the Superintendent of Schools. If the complaint or information involves the Superintendent of Schools, the supervisor/manager must report the suspected sexual harassment to the President of the Board of Education. Contact information for these individuals can be found on the District's website.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

(continued)

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Complaint and Investigation of Sexual Harassment**

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. The District will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

~~While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:~~

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The Title IX Coordinator, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the Title IX Coordinator, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Title IX Coordinator, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Title IX Coordinator, or designee, will prepare a complaint form based on the oral reporting.
- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the District will take steps to obtain and preserve them.
- The Title IX Coordinator, or designee, will request and review all relevant documents, including all electronic communications.
- The Title IX Coordinator, or designee, will interview all parties involved, including any relevant witnesses.

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

- All records of the investigation will be maintained in a secure and confidential location.
- The Title IX Coordinator, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The Title IX Coordinator, or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.
- At the conclusion of the investigation, the Title IX Coordinator, or designee, will report the findings to the Superintendent of Schools. If it is found that prohibited sexual harassment has, in fact, occurred, the Title IX Coordinator, or designee, will make a recommendation to the Superintendent of Schools and appropriate corrective action will be taken.

Corrective Action

Any person, including covered individuals of every level who, upon an investigation in accordance with this Policy, is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (*e.g.*, suspension or termination of employment). If the accused is a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the District and the non-employee or other individual.

If the accused is a student, appropriate disciplinary measures will be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Confidentiality

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the District to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

Bad Faith Claims

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that person, subject to any statutory or contractual limitations.

(continued)

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Legal Protections and External Remedies**

Sexual harassment is not only prohibited by the District, but it is also prohibited by State, federal and (where applicable) local law. Aside from the internal process at the District, covered individuals may also choose to pursue legal remedies including, for example, in court and/or with the below governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

New York State Human Rights Law (HRL)

The HRL, codified as N.Y. Executive Law, Art. 15, § 290 *et seq.*, applies to employers in New York State with regard to sexual harassment and protects employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court. Complaints with the DHR may be filed any time within one year of the harassment (effective August 12, 2020, three years). If an individual did not file at the DHR, they can sue directly in State court pursuant to the HRL within three years of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in State court.

Complaining internally to the District does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The contact information for DHR's Nassau County Office is: 50 Clinton Street, Suite 301, Hempstead, New York 11550, (516) 539-6848, www.dhr.ny.gov. Individuals can contact the DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York State.

(continued)

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Civil Rights Act of 1964**

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. You do not need an attorney to file a complaint with the EEOC and there is no cost to file. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

United States Department of Education Office for Civil Rights (OCR)

OCR enforces Title IX of the federal Education Amendments of 1972 (codified as 20 U.S.C. §§ 1681-1688), which prohibits discrimination on the basis of sex, pregnancy, marital or parental status in employment, recruitment, consideration or selection for employment including recruitment, hiring, promotion, compensation, grants of leaves or benefits, as well as retaliation. Individuals whose employment is covered by Title IX can file a complaint with OCR, ordinarily within 180 days of the last act of harassment/discrimination. You do not need an attorney to file a complaint with OCR and there is no cost to file. OCR can be contacted at: 32 Old Slip, 26th Floor, New York, NY 10005-2500, (646) 428-3800.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Nassau County may file complaints of sexual harassment with the Nassau County Human Rights Commission at: 240 Old Country Road, 6th Floor, Suite 606, Mineola, New York 11501, (516) 571-3662.

(continued)

Attachment: Policy 6121 Redlined (3713 : Board Policies - First Read)

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Contact the Police Department**

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

Other District Policies

Employee complaints or reports of harassment (based on a status other than sex) or discrimination should be reported pursuant to Policy 3420, Policy Against Workplace Discrimination and Harassment, Policy 6120, Equal Employment Opportunity, and/or Policy 6122, Complaints and Grievances by Employees. Student complaints or reports of harassment, including sexual harassment, discrimination, hazing or bullying should be made pursuant to Policy 7551, Sexual Harassment of Students, or Policy 7550, Dignity for All Students.

Dissemination and Training

This Policy should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location). ~~The Levittown School will provide this Policy to all employees and will provide this Policy to new employees upon hire.~~

All employees will receive sexual harassment prevention training at least annually, during which the District will provide a copy of this Policy and the information presented at the training. The District will also provide a copy of this Policy and the training information to new employees upon hire.

We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
 29 Code of Federal Regulations (CFR) Section 1604.11(a)
 Education Law Section 2801(1)
 Executive Law Sections 296 and 297

Re-Adopted: October 10, 2012
 Revised: February 3, 2016
 Revised: October 17, 2018
Revised:

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: SEXUAL HARASSMENT COMPLAINT FORM**

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Title IX Coordinator. If the complaint involves or you are hesitant to report to the Title IX Coordinator, you may submit this form to the Superintendent of Schools or if it involves the Superintendent of Schools, then you may submit the form to the President of the Board of Education. The contact information for the Title IX Coordinator, Superintendent of Schools and the President of the Board of Education is available on the District's website. This form can be submitted in person or by email. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the District will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____

Work Address: _____

Work Phone: _____

Job Title: _____ Email: _____

Select Preferred Communication Method: ☐ Email ☐ Phone ☐ In person**SUPERVISORY INFORMATION**

Immediate Supervisor's Name: _____

Title: _____

Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made about:

Name: _____ Title: _____

Work Address: _____ Work Phone: _____

Relationship to you: ☐ Supervisor ☐ Subordinate ☐ Co-Worker ☐ Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

LEVITTOWN SCHOOLS**POLICY # 6121**

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PERSONNEL**SUBJECT: SEXUAL HARASSMENT COMPLAINT FORM (Cont'd)**

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you retained legal counsel and would like us to work with them, please provide their contact information. _____

I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.

Signature: _____ Date: _____

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT****Introduction**

The Levittown U.F.S.D. ("District") is committed to maintaining a workplace that is free from sexual harassment. Sexual harassment is a form of workplace discrimination and will not be tolerated. All employees are required to work in a manner that prevents sexual harassment in the workplace. This Policy is one component of the District's commitment to a discrimination-free work environment.

Sexual harassment is against the law. All employees, applicants for employment, Board members, student teachers, interns, non-employees (as defined below) and other persons conducting business with the District have a legal right to a workplace that is free from sexual harassment.

The District is equally committed to maintaining a workplace that is free from discrimination and other types of prohibited harassment. For more information, please see Policy 3420, Policy Against Workplace Discrimination and Harassment; Policy 6120, Equal Employment Opportunity; and Policy 6122, Complaints and Grievances by Employees.

Policy

This Policy applies to all employees, applicants for employment, Board members, student teachers, interns, non-employees (see definition below), and other persons conducting business with the District, regardless of immigration status, ("covered individuals") with respect to conduct by other persons, including parents, students and visitors.

For purposes of this Policy, a "non-employee" is an independent contractor, agent or someone who is (or who is employed by) a contractor, subcontractor, vendor, consultant or anyone providing services in the workplace. Non-employees also include temporary workers, persons providing equipment repair, cleaning services or any other service pursuant to a contract, or other relationship with the District.

All covered individuals must follow and uphold this Policy.

Sexual harassment is a form of misconduct and will not be tolerated. Sexual harassment is offensive, a violation of the District's Policies, unlawful, and may subject the District to liability for harm to targets of sexual harassment. Sexual harassers may also be individually subject to liability.

Following receipt of a complaint about sexual harassment or of knowledge regarding possible sexual harassment that is occurring or has occurred, the District will conduct a prompt, thorough and confidential investigation that ensures due process for all parties. Appropriate corrective action, subject to any statutory or contractual limitations, will be taken whenever sexual harassment is found to have occurred.

(continued)

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****What is “Sexual Harassment?”**

Sexual harassment is a form of sex discrimination and is unlawful pursuant to 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.

Sexual harassment includes unwelcome conduct that is of a sexual nature or that is directed at an individual because of his/her sex, sexual orientation, gender expression, gender identity or transgender status when:

- the conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive work environment, even if the reporting individual is not the intended target of the sexual harassment;
- the conduct is made either explicitly or implicitly a term or condition of employment; or
- submission to or rejection of the conduct is used as the basis for employment decisions affecting an individual’s employment.

A sexually harassing hostile work environment includes, but is not limited to, words, signs, jokes, pranks, intimidation or physical violence that are of a sexual nature, or that are directed at an individual because of his/her sex, sexual orientation, gender expression, gender identity or transgender status. Sexual harassment also consists of any unwanted verbal or physical advances, sexually explicit derogatory statements or sexually discriminatory remarks made by someone that are offensive or objectionable to the recipient, which cause the recipient discomfort or humiliation or that interfere with his/her job performance.

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. Job benefits may include hiring, promotion, continued employment or any other terms, conditions or privileges of employment. This is also called “*quid pro quo*” harassment.

Any covered individual who believes that he/she is being or has been sexually harassed should report the sexual harassment so that any violation of this Policy can be promptly corrected. Any sexually harassing conduct, even a single incident, can be addressed pursuant to this Policy.

(continued)

Attachment: Policy #6121 Accepted (3713 : Board Policies - First Read)

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Examples of Sexual Harassment**

The following describes some of the types of acts that are strictly prohibited and that may constitute unlawful sexual harassment:

- Physical acts of a sexual nature including:
 - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another person's body or poking another person's body; and
 - Rape, sexual battery, molestation or attempts to commit these assaults.
- Unwanted sexual advances or propositions including:
 - 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; and
 - Subtle or obvious pressure for unwelcome sexual activities.
- Sexually oriented gestures, noises, remarks, jokes or comments about a person's sexuality or sexual experience that creates a hostile work environment.
- Sex stereotyping which 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.
- Sexual or discriminatory displays or publications anywhere in the workplace including:
 - Displaying pictures, posters, calendars, graffiti, objects, promotional material, reading materials or other materials that are sexually demeaning or pornographic. This includes displays on workplace computers, cell phones or other electronic devices and sharing these displays while in the workplace.
- Hostile actions taken against an individual because of his/her sex, sexual orientation, gender expression, gender identity or transgender status, including:
 - Interfering with, destroying or damaging a person's workstation, tools or equipment, or otherwise interfering with the person's ability to perform the job;

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SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)

- Sabotaging a person's work; and
- Bullying, yelling or name-calling.

Who Can be a Target of Sexual Harassment?

Sexual harassment can occur between or among any individuals, regardless of their sex or gender. New York Law protects covered individuals from sexual harassment. Sexual harassers can be a superior, a subordinate, a co-worker or anyone in the workplace including another covered individual or any other person, including a visitor.

Where Can Sexual Harassment Occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can also occur outside of the workplace while covered individuals are traveling for work or at employer-sponsored events, programs, activities or parties. Calls, texts, emails, and social media usage can constitute unlawful workplace harassment even if they occur away from the workplace premises, on personal devices or outside of work hours.

Retaliation is Prohibited

Retaliation against anyone who, in good faith, complains, provides information or assists in an investigation of suspected sexual harassment as a witness or otherwise will not be tolerated. Appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District will be implemented.

No covered individual will be subject to adverse action(s) (*e.g.*, being discharged, disciplined, discriminated against; *etc.*) because that person, in good faith, reports an incident of sexual harassment, provides information, or otherwise participates in any investigation of a sexual harassment complaint.

Unlawful retaliation can be any action that could discourage a covered individual from coming forward to make or support a sexual harassment claim. Adverse action need not be job-related or occur in the workplace to constitute unlawful retaliation (*e.g.*, threats of physical violence outside of work hours).

Retaliation is unlawful pursuant to federal, State and (where applicable) local law. The New York State Human Rights Law protects any individual who has engaged in "protected activity." Protected activity occurs when a person has, in good faith:

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

- made a complaint of sexual harassment, either internally or with any anti-discrimination agency;
- testified or assisted in a proceeding involving sexual harassment pursuant to the Human Rights Law or other anti-discrimination law;
- 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 sexually harassed; or
- encouraged a fellow employee to report sexual harassment.

Even if the alleged sexual harassment does not rise to the level of a violation of law, the individual is protected from retaliation if he/she had a good faith belief that the practices were unlawful. The retaliation provision is not intended, however, to protect persons making intentionally false charges of sexual harassment.

Any covered individual who believes that he/she has been a target of any acts of retaliation in violation of this Policy should immediately report that conduct to the Title IX Coordinator. If the complaint involves or the individual is hesitant to report to the Title IX Coordinator, the individual should report the conduct to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to President of the Board of Education. Contact information for these individuals can be found on the District's website.

Anyone who believes that he/she has been a target of prohibited retaliation may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

Reporting Sexual Harassment

Preventing sexual harassment is everyone's responsibility. The District cannot prevent or remedy sexual harassment unless we know about it.

All covered individuals are encouraged to report any behavior that may constitute sexual harassment in violation of this Policy to the Title IX Coordinator. If the complaint involves or the individual is hesitant to report to the Title IX Coordinator, the individual should report the behavior to the Superintendent of Schools. If the complaint involves or the individual is hesitant to report to the Superintendent of Schools, the individual should report the behavior to President of the Board of Education. Contact information for these individuals can be found on the District's website.

Anyone who witnesses or becomes aware of a potential instance of sexual harassment should also report this behavior to one of the above individuals.

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

Reports of sexual harassment may be made orally or in writing. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form. If a covered individual reports sexual harassment on behalf of someone else, he/she should use the written complaint form and note that he/she is submitting the complaint on someone else's behalf.

Anyone who believes that he/she has been a target of prohibited sexual harassment may seek legal remedies, as explained below in the section on "Legal Protections and External Remedies."

Supervisory Responsibilities

All supervisors and managers who receive a complaint or information about suspected sexual harassment, observe what may be sexually harassing behavior or for any reason become aware of or suspect that sexual harassment is occurring or has occurred, are **required** to report that suspected sexual harassment to the Title IX Coordinator, irrespective of whether the affected individual files a complaint. If the complaint or information involves the Title IX Coordinator, the supervisor/manager must report the suspected sexual harassment to the Superintendent of Schools. If the complaint or information involves the Superintendent of Schools, the supervisor/manager must report the suspected sexual harassment to the President of the Board of Education. Contact information for these individuals can be found on the District's website.

In addition to potentially being subject to appropriate corrective action, subject to any statutory or contractual limitations, if they engage in sexually harassing conduct or retaliation themselves, supervisors and managers will be subject to appropriate corrective action, subject to any statutory or contractual limitations, for failing to report suspected sexual harassment or for otherwise knowingly allowing sexual harassment to continue. Corrective action includes, but is not limited to, disciplinary action or termination of employment.

Complaint and Investigation of Sexual Harassment

All complaints or information about sexual harassment will be investigated, whether that information was reported in oral or written form. An investigation of any complaint, information or knowledge of suspected sexual harassment will be prompt and thorough, commenced immediately and completed as soon as possible. All persons involved, including complainants, witnesses and alleged sexual harassers will be afforded due process, as outlined below, to protect their rights to a fair and impartial investigation.

All covered individuals, including supervisors and managers, may be required to cooperate as needed in an investigation of suspected sexual harassment to the extent permitted by law. Anyone who participates in an investigation will not be retaliated against for that reason. The District will not tolerate retaliation against anyone who files a complaint, supports another's complaint or participates in an investigation regarding a violation of this Policy.

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Attachment: Policy #6121 Accepted (3713 : Board Policies - First Read)

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

While the process may vary from case to case, the following investigation procedure must be followed when there is any indication that sexual harassment has taken, or is taking, place:

- The Title IX Coordinator, or designee, will investigate all complaints of sexual harassment, except as otherwise outlined herein. Third parties may be designated to investigate a complaint or assist with any investigation.
- Upon receipt of a complaint or report of suspected sexual harassment, the Title IX Coordinator, or designee, will conduct an immediate review of the allegations. If the complaint is oral, the Title IX Coordinator, or designee, will encourage the complainant or informant to complete the written complaint form, a copy of which is attached to this Policy. If he or she refuses, the Title IX Coordinator, or designee, will prepare a complaint form based on the oral reporting.
- If documents, emails, phone records or other paper or electronic records are relevant to the allegations, the District will take steps to obtain and preserve them.
- The Title IX Coordinator, or designee, will request and review all relevant documents, including all electronic communications.
- The Title IX Coordinator, or designee, will interview all parties involved, including any relevant witnesses.
- All records of the investigation will be maintained in a secure and confidential location.
- The Title IX Coordinator, or designee, will notify the individual who complained and the alleged perpetrator of the outcome of the investigation.
- The Title IX Coordinator, or designee, will inform the individual who complained of his/her right to file a complaint or charge externally, as outlined below.
- At the conclusion of the investigation, the Title IX Coordinator, or designee, will report the findings to the Superintendent of Schools. If it is found that prohibited sexual harassment has, in fact, occurred, the Title IX Coordinator, or designee, will make a recommendation to the Superintendent of Schools and appropriate corrective action will be taken.

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****Corrective Action**

Any person, including covered individuals of every level who, upon an investigation in accordance with this Policy, is determined to have engaged in impermissible sexual harassment or retaliation in violation of this Policy, will be subject to appropriate corrective action, subject to any statutory or contractual limitations, including, but not limited to, disciplinary action (*e.g.*, suspension or termination of employment). If the accused is a non-employee or other individual, then other consequences may be implemented up to and including termination of any contractual or other relationship between the District and the non-employee or other individual.

If the accused is a student, appropriate disciplinary measures will be applied up to, and including, suspension in accordance with the District's Code of Conduct and applicable laws and regulations.

Confidentiality

The confidentiality and privacy of all parties involved in a complaint, report or investigation of suspected sexual harassment or retaliation in accordance with this Policy will be respected to the extent possible while permitting the District to conduct a thorough investigation of the complaint or report and take appropriate corrective action as necessary.

Bad Faith Claims

If, after investigating a complaint of sexual harassment, it is determined that a person has made a claim of sexual harassment or retaliation in bad faith, or intentionally provided false information regarding a claim of sexual harassment or retaliation, legal action and/or appropriate corrective action including, but not limited to, disciplinary action, termination of employment and/or termination of any contractual or other relationship with the District may be taken against that person, subject to any statutory or contractual limitations.

Legal Protections and External Remedies

Sexual harassment is not only prohibited by the District, but it is also prohibited by State, federal and (where applicable) local law. Aside from the internal process at the District, covered individuals may also choose to pursue legal remedies including, for example, in court and/or with the below governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

New York State Human Rights Law (HRL)

The HRL, codified as N.Y. Executive Law, Art. 15, § 290 *et seq.*, applies to employers in New York State with regard to sexual harassment and protects employees, paid and unpaid interns and non-employees regardless of immigration status. A complaint alleging violation of the Human Rights Law may be filed either with the DHR or in New York State Supreme Court. Complaints with the DHR may be filed any time within one year of the harassment (effective August 12, 2020, three years). If an individual did not file at the DHR, they can sue directly in State court pursuant

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

to the HRL within three years of the alleged harassment. An individual may not file with the DHR if they have already filed a HRL complaint in State court.

Complaining internally to the District does not extend your time to file with the DHR or in court. The one-year and three-year time periods outlined above are counted from the date of the most recent incident of harassment.

You do not need an attorney to file a complaint with the DHR, and there is no cost to file. The DHR will investigate your complaint and determine whether there is probable cause to believe that sexual harassment has occurred. Probable cause cases are forwarded to a public hearing before an administrative law judge. If sexual harassment is found after a hearing, the DHR has the authority to award relief, which varies but may include requiring an employer to take action to stop the harassment, or redress the damage caused, including paying monetary damages, attorneys' fees and civil fines.

DHR's main office contact information is: NYS Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400. The contact information for DHR's Nassau County Office is: 50 Clinton Street, Suite 301, Hempstead, New York 11550, (516) 539-6848, www.dhr.ny.gov. Individuals can contact the DHR at (888) 392-3644 or visit dhr.ny.gov/complaint for more information about filing a complaint. The website has a complaint form that can be downloaded, filled out, notarized and mailed to the DHR. The website also contains contact information for DHR's regional offices across New York State.

Civil Rights Act of 1964

The United States Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 federal Civil Rights Act (codified as 42 U.S.C. § 2000e et seq.). An individual can file a complaint with the EEOC anytime within 300 days from the harassment. You do not need an attorney to file a complaint with the EEOC and there is no cost to file. The EEOC will investigate the complaint and determine whether there is reasonable cause to believe that discrimination has occurred, at which point the EEOC will issue a Right to Sue letter permitting the individual to file a complaint in federal court.

The EEOC does not hold hearings or award relief, but may take other action including pursuing cases in federal court on behalf of complaining parties. Federal courts may award remedies if discrimination is found to have occurred.

If an employee believes that he/she has been discriminated against at work, he/she can file a "Charge of Discrimination." The EEOC has district, area, and field offices where complaints can be filed. Contact the EEOC by calling 1-800-669-4000 (1-800-669-6820 (TTY)), visiting their website at www.eeoc.gov or via email at info@eeoc.gov. If an individual filed an administrative complaint with the DHR, the DHR will file the complaint with the EEOC to preserve the right to proceed in federal court.

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)****United States Department of Education Office for Civil Rights (OCR)**

OCR enforces Title IX of the federal Education Amendments of 1972 (codified as 20 U.S.C. §§ 1681-1688), which prohibits discrimination on the basis of sex, pregnancy, marital or parental status in employment, recruitment, consideration or selection for employment including recruitment, hiring, promotion, compensation, grants of leaves or benefits, as well as retaliation. Individuals whose employment is covered by Title IX can file a complaint with OCR, ordinarily within 180 days of the last act of harassment/discrimination. You do not need an attorney to file a complaint with OCR and there is no cost to file. OCR can be contacted at: 32 Old Slip, 26th Floor, New York, NY 10005-2500, (646) 428-3800.

Local Protections

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city or town in which they live or work to find out if one or more of these laws exist.

For example, anyone who lives or works in Nassau County may file complaints of sexual harassment with the Nassau County Human Rights Commission at: 240 Old Country Road, 6th Floor, Suite 606, Mineola, New York 11501, (516) 571-3662.

Contact the Police Department

If the sexual harassment involves physical touching, coerced physical confinement or coerced sexual acts, the conduct may constitute a crime and affected individuals should contact the police department.

Other District Policies

Employee complaints or reports of harassment (based on a status other than sex) or discrimination should be reported pursuant to Policy 3420, Policy Against Workplace Discrimination and Harassment, Policy 6120, Equal Employment Opportunity, and/or Policy 6122, Complaints and Grievances by Employees. Student complaints or reports of harassment, including sexual harassment, discrimination, hazing or bullying should be made pursuant to Policy 7551, Sexual Harassment of Students, or Policy 7550, Dignity for All Students.

Dissemination and Training

This Policy should be posted prominently in all work locations to the extent practicable (for example, in a main office, but not an off-site work location).

All employees will receive sexual harassment prevention training at least annually, during which the District will provide a copy of this Policy and the information presented at the training. The District will also provide a copy of this Policy and the training information to new employees upon hire.

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PERSONNEL**SUBJECT: POLICY AGAINST WORKPLACE SEXUAL HARASSMENT (Cont'd)**

We trust that everyone will continue to act responsibly to establish a working environment free of sexual harassment. We encourage you at any time to raise any questions you may have about this Policy.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)
 29 Code of Federal Regulations (CFR) Section 1604.11(a)
 Education Law Section 2801(1)
 Executive Law Sections 296 and 297

Re-Adopted: October 10, 2012
 Revised: February 3, 2016
 Revised: October 17, 2018
Revised:

Attachment: Policy #6121 Accepted (3713 : Board Policies - First Read)

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PERSONNEL**SUBJECT: SEXUAL HARASSMENT COMPLAINT FORM**

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form and submit it to the Title IX Coordinator. If the complaint involves or you are hesitant to report to the Title IX Coordinator, you may submit this form to the Superintendent of Schools or if it involves the Superintendent of Schools, then you may submit the form to the President of the Board of Education. The contact information for the Title IX Coordinator, Superintendent of Schools and the President of the Board of Education is available on the District's website. This form can be submitted in person or by email. Retaliation against anyone who, in good faith, files a sexual harassment complaint form is prohibited. If you are more comfortable reporting orally or in another manner, the District will complete this form, provide you with a copy of it and follow its Policy Against Workplace Sexual Harassment by investigating the claims.

For additional resources, visit: ny.gov/programs/combating-sexual-harassment-workplace

COMPLAINANT INFORMATION

Name: _____
 Work Address: _____
 Work Phone: _____
 Job Title: _____ Email: _____
 Select Preferred Communication Method: ☐Email ☐Phone ☐In person

SUPERVISORY INFORMATION

Immediate Supervisor's Name: _____
 Title: _____
 Work Phone: _____ Work Address: _____

COMPLAINT INFORMATION

1. The complaint of Sexual Harassment is made about:

Name: _____ Title: _____
 Work Address: _____ Work Phone: _____

Relationship to you: ☐Supervisor ☐Subordinate ☐Co-Worker ☐Other

2. Please describe what happened and how it is affecting you and your work. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

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PERSONNEL**SUBJECT: SEXUAL HARASSMENT COMPLAINT FORM (Cont'd)**

3. Date(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ☐ Yes ☐ No

4. Please list the name and contact information of any witnesses or individuals who may have information related to your complaint:

The last question is optional, but may help the investigation.

5. Have you previously complained or provided information (oral or written) about related incidents? If yes, when and to whom did you complain or provide information?

If you retained legal counsel and would like us to work with them, please provide their contact information. _____

I hereby affirm that the information contained in this complaint is true and correct to the best of my knowledge, information and belief.

Signature: _____ Date: _____