

Superintendent's Regulations Sexual Harassment of Employees

#432

An employee can be subject to sexual harassment by a student, employee, Board member or any individual who foreseeably might come in contact with an employee on school grounds or at school activities.

Procedures

The Board of Education has designated the following individual as Compliance Officer to carry out the district's responsibility associated with compliance with Title IX. This individual is:

Name: Ms. Barbara Walkley
Office Address: Mahopac Central School District
179 East Lake Boulevard
Mahopac, New York 10541-1666

Telephone No.: 845 628-3415

In addition, the Board of Education has appointed an Alternate Compliance Officer in order that employees who believe that they have been subjected to sexual harassment would have a second avenue of complaint, or if the alleged harasser is the Compliance Officer. The Alternate Compliance Officer is:

Name: Mr. Vincent Quartararo
Office Address: Mahopac Central School District
179 East Lake Boulevard
Mahopac, New York 10541-1666

Telephone No.: 845 628-3415

All reports of sexual harassment will be held in confidence as permitted by applicable statute.

Employees who believe they have been subjected to sexual harassment should report the incident to their immediate supervisor, to the Compliance Officer, or to the Alternate Compliance Officer. If the employee notified his or her supervisor, that supervisor shall report same to the Compliance Officer or the Alternate Compliance Officer. The Compliance Officer or Alternate Compliance Officer likewise shall notify the employee's immediate supervisor and the Superintendent of Schools of all complaints received. Employees can pursue their complaints informally or file a formal complaint.

Investigation of a Complaint

Upon receipt of a formal complaint, the Compliance Officer or Alternate Compliance Officer will conduct a prompt, thorough, and impartial investigation of the allegations. All witnesses shall be interviewed. The victim may, upon request, provide information to an individual of the same sex. Complainants will be notified of the outcome of the investigations.

Informal Complaints

Instead of notifying the Officer or Alternate Compliance Officer directly, employees who believe they have been subjected to sexual harassment may request that an informal meeting be held between themselves and the immediate supervisor. The employee may request the attendance of a supervisor or

administrator of the same sex. The purpose of the meeting will be to discuss the allegations and remedial steps available.

The immediate supervisor will discuss any complaint promptly with the alleged harasser. Should the alleged harasser deny the allegations, the immediate supervisor is to inform the complainant, in writing, of the denial. The immediate supervisor will then file a formal written complaint with the Compliance Officer or Alternate Compliance Officer. A copy of the immediate supervisor's written response to the informal complaint should accompany the formal complaint.

The complaint is to indicate the nature of the alleged harassment, a description of what occurred when the immediate supervisor informed the alleged harasser of the allegations against him or her and the harasser's response to the allegations.

Should the harasser admit the allegations, the immediate supervisor is to obtain and forward to the Compliance Officer or Alternate Compliance Officer a written assurance from the harasser that the unwelcome behavior will stop. Depending on the severity of the charges, the immediate supervisor may initiate further disciplinary action. Thereafter, the immediate supervisor is to prepare a written report of the incident and inform the complainant of the resolution. The complainant is to indicate on the report whether or not he or she is satisfied with the resolution. The report will then be filed with the Compliance Officer or Alternate Compliance Officer.

If the complainant is satisfied with the resolution, the incident will be deemed closed. However the complaint may be reopened for investigation if a recurrence of sexual harassment is reported. The immediate supervisor is to inform the complainant to report any recurrence of the harassment or any retaliatory action that might occur. Should the complainant be dissatisfied with resolution, the immediate supervisor will file a formal written complaint.

If during the immediate supervisor's informal attempt to resolve the complaint, the alleged harasser admits the allegations but refuses to give assurance that he or she will refrain from the unwelcome behavior, the immediate supervisor will file a formal complaint with the Compliance Officer or Alternate Compliance Officer.

Formal Complaints

Formal complaints are submitted either to report initially any incidents of sexual harassment, or as a follow-up to an unsatisfactory resolution of an informal attempt to resolve a complaint. A formal written complaint is to be submitted to the Compliance Officer or Alternate Compliance Officer.

The formal written complaint will consist of any appropriate forms and a copy of any applicable immediate supervisor's reports. The appropriate forms will solicit the specifics of the complaint e.g., the date and place of the incident, the description of sexual misconduct, the names of any witnesses, and an account of any previous action taken to resolve the matter.

Upon a determination of sexual harassment, the Compliance Officer or Alternate Compliance Officer shall recommend appropriate and corrective action to the Superintendent of Schools. The Superintendent will notify the Board of Education and the complainant of the findings and any actions taken.

Remedial Action

If the investigation reveals that sexual harassment has occurred, appropriate sanctions will be imposed in a manner consistent with statute, district policies, and collective bargaining agreements.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary

action in the manner prescribed by statute and consistent with policy and collective bargaining agreements. If the investigation reveals that no sexual harassment has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of sexual harassment, the complainant may appeal directly to the Board of Education. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post-Remedial Action

Following a finding of sexual harassment, victims will be interviewed periodically by the Compliance Officer or the Alternate Compliance Officer to ensure the harassment has not resumed and that no retaliatory action has occurred. These follow-up interviews will continue at the discretion of the district. A report will be made of the post-remedial interviews.

Complaint Records

Upon substantiation of sexual harassment copies of resolution reports will be filed with the student or employment records of both the complainant and the alleged harasser.

Investigation of the Absence of Complaint

The District will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any sexual harassment.