

**Poughkeepsie City School District
Policy and Regulation
On Gender Discrimination and Sexual Harassment of Students**

Adopted by the Board of Education
August 24, 2005

Sexual Harassment of Students

The Board of Education is committed to safeguarding the right of all students within the school district to learn in an environment that is free from all forms of sexual harassment and gender discrimination. Therefore, the Board, consistent with State and Federal law, condemns all gender discrimination and unwelcome and/or unwarranted behavior of a sexual nature which may impose a requirement of sexual cooperation as a condition of academic advancement, or which has the purpose or effect of creating an intimidating, hostile or offensive learning environment. The Board specifically prohibits all student-employee relationships of a sexual or quasi-sexual nature, whether or not consensual.

Gender discrimination is defined as:

1. Pervasive and/or severe conduct intended to intimidate or demean a person or persons of the other gender or that which treats a person of the other gender differently in the educational setting because of his or her gender; or
2. When the District's official, employees or agents treat a student differently or deny a student equal access to educational programs on the basis of gender.

Generally, sexual harassment is defined as unwelcome and/or unwarranted sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

1. Submission to such conduct is made, either explicitly or implicitly, a condition for evaluating the student's academic progress or the student's successful completion of any course of study, educational or extra-curricular activity, including the acceptance into or rejection from such course or activity;
2. Submission to or rejection of such conduct by a student is used as the basis for academic or extra-curricular decisions affecting such student, including the acceptance into or rejection from a course or activity;
3. Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance, evaluation of a student's academic progress or participation in an educational or extra-curricular activity, or creating an intimidating, hostile or offensive learning environment.
4. Conditions exist within the school environment that allow or foster harassing activities of a sexual nature, including but not limited to obscene pictures, lewd jokes, sexual comments and innuendo, sexual advances.

The Board recognizes that sexual harassment and gender discrimination can originate from a person of either sex; from peers, employees, officers, agents or any individual who might foreseeably come into contact with students on school grounds or at school-sponsored activities.

The Board acknowledges that in determining whether gender discrimination or sexual harassment has occurred, the perspective of the complainant and/or victim shall be considered.

While the accused's conduct and/or intention may be considered, sexual harassment may be found even where the accused had no intent to sexually harass another individual.

Complaint Procedure:

Any student who believes that he or she has been subjected to gender discrimination or sexual harassment or any person who believes that s/he has witnessed an incident(s) of sexual harassment or gender discrimination shall report all incidents of such conduct to any staff member with whom the complainant feels comfortable (e.g., a teacher, the building principal, school nurse, guidance counselor or the District's designated Title IX Complaint Officer(s)). The staff member to whom the complaint is made shall promptly report the complaint to the Title IX (Complaint Officer(s), who shall make a determination as to who will investigate the complaint (e.g., building principal in the case of an elementary student, high school principal in the case of a high school student, outside investigator) through informal and/or formal complaint procedures developed by the District. Any staff member who fails to report a sexual harassment or gender discrimination complaint may be subject to disciplinary action in accordance with law and any applicable collectively negotiated agreements.

All complaints of gender discrimination and/or sexual harassment will be held in confidence to the extent practicable to enable the District to conduct a thorough investigation and as permitted by law. While the District respects the privacy and anonymity of all parties and witnesses to complaints brought under this policy, it cannot guarantee absolute confidentiality. At the conclusion of the investigation and at such time when the written report is issued and becomes a final agency determination (30 days after the issuance of the report if no appeal is made or after the issuance of the appeal determination), the report may become public.

If the District has knowledge of or reason to know of the occurrence of any alleged sexual harassment, the District shall, even in the absence of a complaint, cause a prompt and thorough investigation of any such incident to be made.

Upon receipt of any complaint of gender discrimination and/or sexual harassment, the District will cause a thorough, prompt and impartial investigation of the charges to be conducted within 30 calendar days of receipt of a complaint. It is the policy of the District that all complaints of gender discrimination and sexual harassment shall be taken seriously and that an investigation shall be conducted to the extent possible. The investigator shall prepare a written report of the investigation. The report shall be filed with the Title IX Complaint Officer(s). The outcome of any investigation of a gender discrimination and/or sexual harassment complaint shall be related to the student and his/her parent/guardian, as well as to the accused.

If the results of the District's investigation indicates that sexual harassment and/or gender discrimination or other inappropriate behavior has occurred, immediate and appropriate corrective action will be taken. It is the policy of the District to appropriately discipline the offending individual in accordance with law, District policy and any applicable collectively negotiated agreements. If the alleged behavior constitutes or may constitute a crime, the police authorities or District Attorney's office shall be immediately notified.

If the student, or his/her parent/guardian, or the accused is not satisfied with the results of the investigation, an appeal of the findings may be made to the Board of Education within 30 calendar days from receipt of the investigation report, for its review and action. Such review shall occur promptly, within 30 calendar days of the filing of the appeal.

The Board prohibits any retaliatory behavior directed against a complainant for the good faith reporting of an incident pursuant to this policy, as well as against any witness who testifies in a

sexual harassment and/or gender discrimination investigation. Follow-up inquiries by the Title IX Complaint Officer(s) shall be made to ensure that the complainant and/or witnesses have not suffered retaliation.

The District shall provide appropriate training to staff and students regarding awareness of and sensitivity to issues involving gender discrimination and sexual harassment, including condemnation of such conduct, the sanctions for harassment and preventive measures to help reduce incidents of sexual harassment or gender discrimination.

The Superintendent of Schools is directed to develop and implement specific procedures for reporting, investigating and resolving sexual harassment and/or gender discrimination complaints.

A copy of this policy and its accompanying regulations shall be distributed to all personnel, students and parents/guardians and posted in appropriate places within the District.

Sexual Harassment/Gender Discrimination of Students Regulation

District Complaint Procedures:

I. Complaint Officer(s)

The Board of Education shall appoint Title IX Complaint Officer(s) at its annual reorganization meeting, or as needed during the year. Reasonable attempts shall be made to appoint at least one male and one female Complaint Officer.

II. Reporting of Complaints

All complaints of gender discrimination and/or sexual harassment must be reported to one of the Title IX Complaint Officers appointed by the Board of Education.

1. A student (or his/her parent/guardian) who believes that s/he has been subjected to gender discrimination and/or sexual harassment should immediately consult with any staff member with whom the student (parent/guardian) feels comfortable (e.g., a teacher, guidance counselor, school nurse, building principal, the Superintendent of Schools or a Title IX Complaint Officer).
2. Any staff member who is consulted with in accordance with paragraph "1," above, shall:
 - A. Provide a copy of the Student Gender Discrimination and Sexual Harassment Policy and Regulations to the student or parent/guardian.
 - B. Promptly report the complaint or inquiry to one of the Title IX Complaint Officers.
 - C. Maintain complete confidentiality and secrecy that a complaint or inquiry has been made.
 - D. Not attempt to influence any further actions on the part of the student, except to tell the student to talk to his/her parents/guardian.
3. Any staff member who becomes aware of a possible incident of gender discrimination and/or sexual harassment shall promptly report it to a Title IX Complaint Officer.
4. Any staff member who fails to report a possible incident or complaint of gender discrimination and/or sexual harassment may be subject to disciplinary action in accordance with law and any collectively negotiated agreement.

III. Investigation of a Complaint

1. Upon receipt of a complaint, the Title IX Complaint Officer shall:
 - A. Conduct a preliminary investigation to determine whether to proceed personally or to designate or request a different investigator.

- B.** Determine whether or not the complaint can be handled in an informal manner with the Title IX Complaint Officer acting as a mediator.
 - C.** Discuss the above actions with the Superintendent, unless the Superintendent is the subject of the complaint, in which case the Title IX Complaint Officer should consult with the President of the Board of Education.
 - D.** Report the incident to the police and/or other appropriate authorities if the behavior constitutes or may constitute a crime.
 - E.** Ensure that any investigation or mediation is conducted within 30 calendar days from receipt of the complaint.
- 2.** If, after consultation, the Title IX Complaint Officer determines that a more formal investigation is warranted, any investigation must adhere to the following:
- A.** During the investigation, the investigator must protect the confidentiality of the complainant, the victim, the accused and all witnesses to the extent practicable. The investigator shall inform all parties of the need for confidentiality.
 - B.** The investigator must immediately notify the parents/guardian of any child, other than witnesses, that an investigation is taking place, the nature of the complaint and the nature of the child's involvement.
 - C.** The investigator must conduct a thorough, prompt and impartial investigation.
 - D.** The investigator must seek out relevant documents.
 - E.** The investigator must interview any and all witnesses, including the accused, the victim and the complainant.
 - F.** The investigator must keep accurate documentation and records.
 - G.** The complainant, victim and accused may bring their attorney or union representative (if applicable) to any meetings, and children may also be accompanied by their parents/guardian.
 - H.** The investigator must notify the accused that she/he is the subject of a sexual harassment complaint investigation when appropriate.
- 3.** As soon as possible upon completion of any investigation, the investigator shall issue a written factual report containing:
- A.** A summary report for distribution to the parties and School District officials as needed. This report shall contain:
 - a. A summary of the complaint and findings.
 - b. A determination of whether or not the behavior constitutes gender discrimination or sexual harassment. (The investigator may find that the evidence is inconclusive.)
 - c. Recommended action, if any.
 - B.** The investigative information shall be sealed and kept on file by a Title IX Complaint Officer so designated by the Superintendent to maintain such files, including:
 - a. Copies of all related written documents, including the summary report.
 - b. Copies of any handwritten notes taken during the investigation and interviews.
 - c. Any further written details deemed by the investigator to be informative or useful to a better understanding of his/her findings.
- 4.** The following individuals shall be given a copy of the summary report:
- A.** The victim.
 - B.** The complainant (if applicable).
 - C.** The accused.

If any of the above individuals is a minor, the summary report shall be sent to their parents/guardian.

5. The Superintendent (or President of the Board of Education, if the Superintendent is the subject of the investigation) shall review the summary report and shall determine whether or not formal disciplinary action is needed. Formal discipline of students or staff shall be in accordance with law, District Policy and any applicable collectively negotiated agreement.

IV. Appeal Procedure

The victim (or his/her parents/guardian if a minor) and/or the accused may appeal the findings and/or recommendations of the investigation, as contained in the summary report.

- A. The appeal must be in writing.
- B. The appeal must be made within 30 calendar days from the date of receipt of the written results of the investigation.
- C. The appeal is made to the Board of Education, who shall review all relevant information within 30 calendar days of the date of the filing of the appeal.
- D. The determination of the Board of Education is final insofar as the District Policy is concerned.

V. District Training and Distribution of Policy

- A. The Superintendent of Schools shall implement specific and continuing actions to notify students, parents/guardians, employees and prospective students and employees that the District does not discriminate on the basis of sex in the educational programs or activities which it operates, as required by Title IX. Such actions may include, but are not limited to:
 1. Annual publication in local newspapers and/or School District publications.
 2. Announcements in school sponsored publications.
 3. Memoranda or other written communications distributed to students and employees.
- B. The Superintendent shall provide for student and staff training in accordance with Policy.
- C. The Superintendent shall insure that all students, parents/guardians and staff are informed of the name, office address and office telephone numbers of any and all Title IX Complaint Officers and that such information is posted conspicuously and updated, as needed.
- D. The District Policies on gender discrimination and sexual harassment of students/employees shall always be distributed with a copy of the applicable regulations.

Poughkeepsie City School District
Title IX Complaint Officers:
Karen A. Markeloff
Assistant Superintendent for Instruction
Telephone: 845/451-4980
and
Dwight Paine
Assistant to the Superintendent
Telephone: 845/451-4951

11 College Avenue, PO Box 3010
Poughkeepsie, NY 12603

Fax: 845/451-4955