

## **SEXUAL HARASSMENT OF OR DISCRIMINATION AGAINST STUDENTS**

### I. Sexual Harassment and Discrimination Strictly Prohibited

The Berlin Central School District Board of Education recognizes the central importance to the District's educational mission of creating an academic environment that is conducive to all student learning. The Board recognizes that an essential aspect of such an environment is that each student be treated with tolerance and respect by her/his teachers and fellow students.

The Board prohibits all forms of sexual discrimination, and establishes that it shall be strictly prohibited for any staff member of either sex, or any student of either sex, while involved in any program, activity, or service sponsored by the District, or while present at a facility or on a vehicle controlled, operated, or otherwise used by the District, or while otherwise acting under the auspices or in the employ of the District, to harass, defame, or otherwise discriminate against or interfere with the education of any student on the basis of the student's sex. For the purposes of this policy, discrimination is the failure to treat students alike and afford them equal opportunities because of their sex.

Further, the Board condemns all unwelcome behavior of a sexual nature that is directed toward any student that may impose a requirement of sexual cooperation as a condition of academic advancement, or that may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. The Board further prohibits any retaliatory behavior against any person complaining of sexual harassment, or any witness to an act of sexual harassment.

The Board recognizes that sexual harassment may be perpetrated by a person of either sex against a person of either sex.

### II. Student Action if She/He Is A Victim of Sexual Harassment or Other Discrimination

Any student who believes that she/he has been harassed, defamed, or otherwise discriminated against on the basis of her/his sex in violation of this policy is strongly encouraged to report such violation promptly to the Superintendent of Schools or the District's Title IX Compliance Officer, any building principal or teacher.

III. Staff Action if Aware of Sexual Harassment or Other Discrimination

Any employee of the District who believes that a student has been or is being treated by any person in a manner that violates this policy shall report such violations immediately to the Title IX Compliance Officer, the building principal, or the Superintendent. Any employee receiving a report of alleged behavior or actions that violate this policy shall immediately convey all information so received to the Title IX Compliance Officer or the Superintendent.

IV. Penalties

Any person who is duly found to have acted or behaved in any manner prohibited under this policy shall be subject to appropriate discipline and penalties. In considering a penalty for violation of this policy by a student, the Superintendent shall consider the age of the student; the student's grade level; the student's prior disciplinary record; input from parents and teachers and mitigating and aggravating factors and circumstances.

V. Administrative Regulations: Training for Staff and Students

The Superintendent of Schools shall develop and implement regulations dealing with reporting, investigating, and remedying allegations of sexual harassment.

Such procedures shall be consistent with any applicable provisions of the District's policy manual, collective bargaining agreements, the laws of New York State concerning employment relationships, and federal and state laws concerning sexual discrimination and harassment.

The Superintendent shall establish a training program and schedule for students and employees to raise awareness of the issues involved in sexual harassment, to implement preventive measures to help reduce incidents of sexual harassment and to inform students and employees of the procedures available for filing a complaint about an incident of sexual harassment.

VI. Notice

This policy, and implementing regulations thereof and such other information as the Superintendent shall determine to be age appropriate, informative and educational concerning sexual harassment and the District's sexual harassment complaint procedure shall be made available to the school community.

References

US Constitution, Amd. XIV  
20 USC Sec. 1681 (Educ. Amdmnts. of 1972, Title IX)  
45 CFR Pt. 86  
NYS Constitution, Art. I, Sec. 11; Art. XI, Sec. 1  
Education Law Secs. 3201; 3201-a; 4402; 4602  
8 NYCRR Pts. 100.4; 135.4; 141.1