

PERSONNEL AND NEGOTIATIONS

PERSONNEL POLICIES GOALS

Harassment (Including Sexual Harrassment)

POLICY

It is the policy of the West Genesee Central School District that all students and employees be free from harassment in the classroom and work environment. Therefore, harassment of students and employees is prohibited. Retaliation against any individual for complaining about possible harassment is also prohibited. This policy applies to conduct between employees, between students, and between students and employees.

For purposes of this policy, harassment includes unwelcomed sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when: (a) submission to such conduct is made either implicitly or explicitly a term or condition of an individual's education or employment; (b) an individual's response to such conduct is used as a basis for educational or employment decisions. Harassment is also defined as conduct that has the purpose or effect of substantially interfering with an individual's performance, or creating an intimidating, hostile, or offensive environment.

PROCEDURE

A. Reports and Investigation

1. Any student who believes that he or she has been subjected to harassment, or any adult who has knowledge that such harassment may have occurred, should immediately report the matter to the building principal, who shall promptly investigate the complaint.
2. Any employee who believes that he or she has been subjected to harassment should immediately report the matter to the Assistant Superintendent for Human Resources, who shall promptly investigate the complaint.
3. If the student, parent, adult, or employee is uncomfortable reporting the matter to the building principal or Assistant Superintendent for Human Resources, he/she may report the matter directly to the Superintendent of Schools.
4. If the complaint involves harassment of a student by an employee, then the building principal shall coordinate the investigation with the Assistant Superintendent for Human Resources.

B. Confidentiality

All complaints shall be handled confidentially, except for such disclosure as is necessary to investigate and resolve the complaint or is required by law. In all cases, the individual who has lodged the complaint shall be advised of the findings and conclusions from the investigation.

C. Sanctions

1. A student who is found to have harassed another student or an employee of the District will be disciplined. The appropriate level of discipline will be determined in accordance with applicable law and Policy # 5313.3 regarding student discipline. The discipline decision will also take into consideration the nature of the conduct, the strength of the evidence, the relationship of the people involved, and the student's prior record of behavior.
2. An employee who is found to have harassed another employee or a student will be disciplined. An employee will also be disciplined if found to have harassed any other person while the employee is performing his/her job, or otherwise representing the District. The appropriate level of discipline will be determined in accordance with applicable laws and collective bargaining agreements. The discipline decision will also take into consideration the nature of the conduct, the strength of the evidence, the relationship of the people involved, and the employee's prior record of behavior. Discipline may include verbal or written counseling, reprimand, suspension, or termination.

D. Monitoring

In those cases in which the potential for future contact between the parties exists, the individual responsible for the investigation shall monitor the situation to avoid a recurrence of the harassment.

CROSS REFERENCE 5470

STUDENT POLICIES
STUDENT WELFARE
Sexual Harassment

Presentation: 3/20/13

First
Vote: 3/20/13

Second
Vote: 4/10/13