

## SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students, employees (including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status), and certain “nonemployees” (which include appointees, contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) on the basis of sex, gender and/or sexual orientation is abusive and illegal behavior that harms targets and negatively impacts the school culture by creating an environment of fear, distrust, intimidation, and intolerance. The Board further recognizes that preventing and remedying such harassment in schools is essential to ensure a healthy, nondiscriminatory environment in which students can learn and employees and non-employees can work productively.

Sexual harassment is unlawful under federal and state law. The Board is committed to maintaining an educational and working environment that promotes respect, dignity, and equality and is free from such harassment. Therefore, the Board condemns and strictly prohibits all forms of sexual harassment in the District, including sexual harassment on school grounds or school buses, at school-sponsored activities, programs, or events, including those that take place at locations outside the District, or that occurs outside the school setting if the harassment impacts the individual’s education or employment in a way that violates their legal rights. The District will establish detailed policies and regulations for both students and employees, which address definitions, protections, prohibited behavior (including retaliation), prevention activities, training/education, complaint reporting, investigations, and consequences.

### Cross-ref:

0110.2, Sexual Harassment of Employees in the Workplace  
 0111, Sex Discrimination and Sex-Based Harassment under Title IX  
 0115, Student Bullying and Harassment Prevention and Intervention

### Ref:

Education Amendments of 1972, Title IX, 20 U.S.C. §§1681 *et seq.*  
 Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e  
 34 CFR Part 100; *Part 106*  
 Education Law §§10-18  
 Executive Law §296-d  
 Labor Law §201-g  
 Civil Practice Law and Rules §§5003-b; 7515  
 General Obligations Law §5-336  
*Davis v. Monroe County Board of Education*, 526 U.S. 629, 652 (1999)  
*Gebser v. Lago Vista Independent School District*, 524 U.S. 274 (1998)  
*Faragher v. City of Boca Raton*, 524 U.S. 775 (1998)  
*Burlington Industries v. Ellerth*, 524 U.S. 742 (1998)  
*Oncale v. Sundowner Offshore Services, Inc.*, 523 U.S. 75 (1998)  
*Franklin v. Gwinnett County Public Schools*, 503 U.S. 60 (1992)  
*Meritor Savings Bank, FSB v. Vinson*, 477 U.S. 57 (1986)  
*Cannon v. University of Chicago*, 441 U.S. 677 (1979)

Office for Civil Rights *Revised Sexual Harassment Guidance (January 19, 2001)*  
Office for Civil Rights, *Dear Colleague Letter: Sexual Harassment Issues (2006)*  
Office for Civil Rights, *Dear Colleague Letter: Bullying (October 26, 2010)*

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