

**VALLEY CENTRAL  
POLICY AGAINST DISCRIMINATION AND HARASSMENT**

**SECTION 1: PURPOSE**

The Valley Central School District believes in the dignity of the individual and recognizes the rights of all people to equal employment opportunities in the workplace. In this regard, the Valley Central School District (hereinafter “District”), is committed to a policy of protecting and safeguarding the rights and opportunities of all people to seek, obtain and hold employment without subjugation to harassment or discrimination in the workplace. It is the District’s policy to provide an employment environment free from harassment and discrimination based on race, color, gender, religion, religious creed, sex, familial or marital status, age, national origin or ancestry, physical or mental disability, genetic information/predisposition or carrier status, military or veteran status, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender, pregnancy (including childbirth and related medical conditions, and including medical conditions related to lactation) citizenship, prior arrest or conviction record, domestic violence victim status or any other characteristics protected by applicable federal, state or local law.

**A. Scope of Policy** This Policy applies to all District employees and all personnel in a contractual or other business relationship with the District including, for example, applicants, temporary or leased employees, interns (whether paid or unpaid), volunteers, visitors, independent contractors, contractors, subcontractors, vendors, consultants or other persons providing services pursuant to a contract in the workplace, including employees of independent contractors, contractors, subcontractors, vendors, consultants, or others providing services pursuant to a contract in the workplace. In the remainder of this Policy, the term “employees” refers to this collective group. This Policy applies with equal force on District property as it does at District-sponsored events, programs, and activities that take place off District premises.

**B. Policy Objectives** By adopting and publishing this Policy, it is the intention of the District’s Board of Education to:

- (1) Notify employees about the types of conduct that constitute harassment and discrimination prohibited by this Policy;
- (2) Inform employees about the complaint and investigation procedures established by the District that enable any employee who believes (s)he is the victim of harassment or discrimination to submit a complaint which will be investigated by the District;
- (3) Clearly advise all supervisory staff, administrators, and employees that harassment, discrimination and retaliation is strictly prohibited and no such person possesses the authority to harass or discriminate; and
- (4) Notify all employees that the District has appointed Civil Rights Compliance

Officers who are specifically designated to receive complaints and ensure compliance with this Policy.

## **SECTION 2: DEFINITIONS**

### **“Prohibited Discrimination of Employees”**

Prohibited discrimination of employees can take the form of any adverse employment action against an employee, by either a District employee or official or a third party engaged in activities sponsored by the District which is based upon the employee’s protected characteristic. Prohibited discrimination of employees also includes harassment based on a protected characteristic even where there is no tangible impact upon the employee’s employment opportunities and/or employment benefits. The phrase “prohibited discrimination” as used in this Policy includes all forms of prohibited discrimination and harassment based on a protected characteristic, including “Sexual Harassment” as defined below.

### **“Harassment”**

Harassment is strictly prohibited and includes, but is not limited to, any conduct that is unwelcome and that subjects an employee to inferior terms, conditions, or privileges of employment because of an individual’s membership in one or more of the protected categories. There are various legal standards of sexual harassment on the federal, state and local level. At a minimum, harassment does not have to be severe or pervasive to be illegal or violate this policy. It can be any harassing behavior that rises above petty slights or trivial inconveniences. Such harassment of employees is prohibited by this Policy if it is based on a protected characteristic or directed at an individual because of a protected characteristic. In this regard, individuals subject to this Policy should be mindful that conduct or behavior that is acceptable, amusing or inoffensive to some individuals may be viewed as unwelcome, abusive or offensive to others.

### **“Sexual Harassment”**

Sexual harassment is strictly prohibited. It is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity and the status of being transgender.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual’s sex when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment;
- (2) Submission to, or rejection of, such conduct by an individual is used as the basis for employment decisions affecting such individual (e.g., promotion, transfer, demotion, termination); or
- (3) Such gender-based conduct has the purpose or effect of subjecting an employee to inferior terms, conditions, or privileges of employment, even if the reporting individual is not the intended target of the sexual harassment.

The foregoing includes offensive comments, jokes, innuendoes or other statements of a sexual or gender-based nature as well as favoritism between a supervisor and subordinate based on an intimate/sexual relationship or desire for the same.

## Who can be the target of harassment?

Harassment can occur between any individuals, regardless of their sex, gender or other protected status. New York Law protects employees, paid or unpaid interns, and non-employees, including independent contractors, and those employed by companies contracting to provide services in the workplace. Harassers can be a superior, a subordinate, a coworker or anyone in the workplace including an independent contractor, contract worker, vendor, client, customer or visitor.

## Where can harassment occur?

Unlawful harassment is not limited to the physical workplace itself. It can occur while employees are working remotely, traveling for business or at employer sponsored events or parties. Calls, texts, emails, and social media usage by employees can constitute unlawful workplace harassment, even if they occur away from the workplace premises, on personal devices or during non-work hours.

## “Prohibited Behavior and Examples of Harassment, including Sexual Harassment”

Specific forms of behavior the District considers harassment or sexual harassment are set forth below. Every conceivable example cannot be delineated herein, and thus the descriptions below are examples and should not be interpreted in any way as being all-inclusive.

- **Verbal:** Abusive verbal language including jokes, comments, teasing or threats related to an employee’s protected characteristic, sexual activity and/or body parts whether or not said in that person’s presence including, but not limited to: sexual innuendos; slurs; suggestive, derogatory, or insulting comments or sounds; whistling; jokes; propositions; threats; comments on a person’s appearance that make the person feel uncomfortable because of their protected characteristic; sex stereotyping; continuing to ask someone for dates or to meet after work after the person has made it clear that they do not want to go; comments about an employee’s anatomy or protected characteristic that are unwelcome; and unwelcome advances or demands based on someone’s protected characteristic.
- **Nonverbal:** Abusive written language showing or displaying pornographic or sexually explicit objects or pictures; graphic commentaries based on a protected characteristic; derogatory cartoons or caricatures; luring or obscene gestures in the workplace; staring at a person’s body in a sexually suggestive manner; gestures or motions based on a protected characteristic; sending material through the District e-mail system or other electronic communication devices (e.g. voice mail) or using the District’s mail, computers or cell phones to view material that is demeaning or derogatory based on one’s protected characteristic. This includes the virtual or remote workspace and can include materials visible in the background of one’s home during a virtual meeting.
- **Physical:** Unwelcome physical conduct, including but not limited to: hitting, pushing, shoving, slapping, petting, pinching, grabbing, holding, hugging, kissing, tickling, massaging, displaying private body parts, coerced sexual intercourse, rape or assault or attempts to commit these assaults, persistent brushing up against a person’s body, unnecessary touching and flashing or other unwelcome physical conduct.

- **Other:** Hostile actions taken against an individual because of an individual's sex, sexual orientation, gender identity and the status of being transgender or because of any other protected characteristic, such as: interfering with, destroying or damaging a person's workstation, tools, or equipment, or otherwise interfering with the individual's ability to perform the job; sabotaging an individual's work; bullying, yelling, or name-calling.

Any employee who feels discriminated against or harassed should report so that any violation of this Policy can be corrected promptly. Any harassing conduct, even if a single incident, can be addressed under this Policy.

### **SECTION 3: POLICY**

The District prohibits harassment and discrimination based on any characteristic protected by applicable law and will not tolerate any form of unlawful discrimination or harassment. The District will take all steps necessary to prevent and stop the occurrence of unlawful discrimination and/or harassment, including sexual harassment, in the workplace.

All employees, including but not limited to, District officials and supervisory personnel, are responsible for ensuring a work environment free from prohibited harassment and discrimination. All employees will be held responsible and accountable for avoiding or eliminating inappropriate conduct that may give rise to a claim of harassment or discrimination. Employees are encouraged to report violations to a supervisor, administrator, or one of the Civil Rights Compliance Officers of this Policy in accordance with the Complaint Procedure set forth in this Policy. Officials, administrators and supervisors must take immediate and appropriate corrective action when suspected instances of prohibited harassment and/or discrimination come to their attention to assure compliance with this Policy as well as report the suspected misconduct to the District's designated Civil Rights Compliance Officers. Furthermore, if any employee believes that any member of management has violated this policy or has not properly responded to and/or handled a report or concerns of discrimination or harassment, the employee should immediately contact one of the District's designated Civil Rights Compliance Officers.

Each employee is assured pursuant to *Section 6* of this Policy, that retaliation against an individual who makes a complaint or report under this Policy is absolutely prohibited and constitutes, in and of itself, a violation of this Policy. Employees who engage in retaliation against any employee for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws may be subject to corrective action and discipline, up to and including termination of employment. Any employee who believes they have been retaliated against in violation of this policy should report violations to one of the Civil Rights Compliance Officers in accordance with the Complaint Procedure set forth in this Policy.

Any questions regarding the scope or application of this Policy should be directed to one of the Civil Rights Compliance Officers.

### **SECTION 4: POLICY ENFORCEMENT**

#### **A. Complaint Procedure for Employees**

1. **Notification Procedure**

Prompt reporting of complaints or concerns is encouraged so that timely and constructive action can be taken before relationships become strained. Reporting of all perceived incidents of prohibited discrimination and/or harassment is encouraged and essential, regardless of the offender's identity or position. An employee or other individual who feels aggrieved because of harassment or discrimination shall contact their supervisor or a Civil Rights Compliance Officer, or another administrator. Likewise, anyone who witnesses or becomes aware of instances of harassment or discrimination should report such behavior to their supervisor or a Civil Rights Compliance Officer listed in *Section 11* of this Policy, or another administrator.

2. **Making a Complaint**

Complaints are accepted orally and in writing. All employees are encouraged to use the District's "Complaint of Alleged Discrimination" form. A copy of this form is attached to this Policy. Additional complaint forms can be obtained from a Civil Rights Compliance Officer, with no questions asked, or from the District's website. Because an accurate record of the allegedly objectionable behavior is necessary to resolve a complaint of prohibited discrimination or harassment, the District encourages employees to place complaints in writing, even if originally made orally. If an employee has any questions or difficulty filling out the complaint form, they can obtain assistance from any one of the Civil Rights Compliance Officers or the supervisor to which they complained. All complaints should include: the name of the complaining party, the name of the alleged offender(s), date(s) of the incident(s), description of the incident(s), names of witnesses to the incident(s) and the signature of the complaining party.

Once the complaining party has completed and dated a complaint, with or without the assistance of one of the District's Civil Rights Compliance Officers or a supervisor, the written complaint, or oral complaint as the case may be, should be promptly forwarded to one of the District's Civil Rights Compliance Officers.

Complainants are expected to cooperate with the District's investigation procedures by providing all relevant information relating to the complaint, as are other supervisory and non-supervisory employees having relevant or related knowledge or information.

If the allegations forming the basis of a complaint of sexual harassment, if proven, would constitute prohibited conduct under Title IX, then the District's response, including the investigation procedures, will be governed by Title IX and the District's Title IX Policy.

3. **Supervisory Responsibilities**

Supervisors and administrators have a responsibility to prevent sexual harassment and discrimination. All supervisors and administrators who receive a complaint or information about suspected harassment or discrimination, observe what may be harassing behavior or for any reason suspects that harassment is occurring, are required to report such suspected harassment or discrimination to one of the District's Civil Rights Compliance Officers.

In addition to being subject to discipline if they engaged in discriminatory or harassing conduct themselves, supervisors and administrators will be subject to discipline for failing to report suspected harassment or otherwise knowingly allowing harassment to continue.

Supervisors and administrators will also be subjected to discipline for engaging in any retaliation.

While supervisors and administrators have a responsibility to report harassment and discrimination, supervisors and administrators must be mindful of the emotional impact to the complainant as well as all parties involved. Supervisors and administrators will ensure complaints are handled with sensitivity and without retaliation.

#### 4. **Bystander Intervention**

Any employee witnessing harassment as a bystander is encouraged to report it.

#### **B. Time for Reporting a Complaint**

Prompt reporting of all complaints is strongly encouraged. All employees should be aware that appropriate resolution of complaints and effective remedial action oftentimes is possible only when complaints are promptly filed.

#### **C. Confidentiality and Privacy**

The District shall keep complaints as confidential as is consistent with a thorough investigation, applicable collective bargaining agreements, and other laws and regulations regarding employees. To the extent complaints made under this Policy implicate criminal conduct, the District may be required by law to contact and cooperate with the appropriate law enforcement authorities. During the pendency of an investigation the District will consider implementation of appropriate interim measures.

#### **D. Acknowledgement of Complaint**

Upon receipt of an oral or written complaint, the Civil Rights Compliance Officer should endeavor to contact promptly the complainant to confirm that the complaint has been received. If the complainant does not receive such confirmation promptly, they are encouraged to contact a Civil Rights Compliance Officer or their supervisor or the supervisor to whom the complaint was made to ensure its receipt. The purpose of this acknowledgment procedure is to ensure that all complaints are received by authorized individuals, carefully processed and promptly investigated.

## **SECTION 5: INVESTIGATION PROCEDURES**

### **A. Timing of Investigations**

The District will promptly investigate all allegations of discrimination and harassment prohibited by this Policy. The District will also attempt to complete investigations under this Policy promptly. The length of the investigation will depend upon the complexity and particular circumstances of each complaint.

### **B. Method of Investigation**

Investigations will provide all parties due process, and reach reasonable conclusions based on the evidence collected. Investigations will be conducted by District Civil Rights Compliance Officers, District's legal counsel, and/or other impartial persons designated by the District. The primary purposes of all investigations under this Policy will be to determine:

- Did the conduct complained of occur?;
- Did the conduct complained of violate this Policy?; and
- What remedial measures or preventative steps, if any, shall be taken?

Investigations will necessarily vary from case to case and may typically include the following: fact-finding interviews, including of the accuser and the accused; document request, review and preservation, observations, or other reasonable methods. District investigators should pursue reasonable steps to investigate each complaint in a thorough and comprehensive manner. Any notes, memoranda, or other records created by District employees or agents conducting an investigation under this Policy shall be deemed confidential and privileged to the extent allowed by law.

Investigators will typically create a written documentation of the investigation (such as a letter, memo or email), which contains the following:

- A list of all documents reviewed, along with a detailed summary of relevant documents;
- A list of names of those interviewed, along with a detailed summary of their statements;
- A timeline of events;
- A summary of prior relevant incidents, reported or unreported; and
- The basis for the decision and final resolution of the complaint, together with any remedial actions.

### **C. Notification to Complaining Party and the Accused Party**

The results of the investigation shall be communicated in writing to both the person filing the complaint and the accused party.

### **D. Remedial Measures**

This Policy is intended to prevent all forms of unlawful discrimination and harassment and put an end to any prohibited discrimination that is found to have occurred. While disciplinary action may be appropriate in certain instances, punitive measures are not the exclusive means for responding to prohibited discrimination or harassment. During the pendency of any investigation being

conducted pursuant to this Policy, interim measures may be taken if appropriate and necessary.

Any individual who is found to have engaged in prohibited discrimination or harassment or conduct which may be prohibited by this Policy, may receive education, training, counseling, warnings, discipline, or other measures designed to prevent future violations of this Policy. Disciplinary action may include: warnings, suspension, or discharge from employment or such disciplinary action as may be permitted by applicable collective bargaining agreements and law. Any third party found to have engaged in discrimination or harassment of an employee may be barred from District property.

## **SECTION 6: PROHIBITION AGAINST RETALIATION AND ABUSE OF THE POLICY**

Unlawful retaliation can be any action that could discourage an employee from coming forward to make a complaint or support a discrimination or harassment claim. Adverse action need not be job-related or occur in the workplace to constitute retaliation (e.g., threats of physical violence outside of work hours).

Retaliation is strictly prohibited by this Policy and by law against anyone for making or encouraging another employee to make a good faith complaint of harassment or discrimination, for opposing in good faith any practices forbidden by applicable anti-discrimination laws or for filing a good faith complaint with, or otherwise participating in any manner in an internal workplace investigation or an external investigation, proceeding or hearing conducted by any federal or state agency charged with enforcing employment discrimination laws.

Even if the alleged harassment or discrimination does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if they had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment or discrimination.

Complaints of retaliation should be brought directly to a Civil Rights Compliance Officer. Such complaints will be promptly investigated. If retaliation is found, the person retaliating will be subject to corrective action up to and including termination from employment, or in the case of a non-employee, an appropriate remedy up to and including termination of the business relationship.

## **SECTION 7: APPEALS**

Any complainant or accused party who wishes to appeal for the following reasons, may do so within ten (10) calendar days of receipt of the appealing party's notification of the investigation outcome;

1. Procedural irregularity that would change the outcome;
2. New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
3. The Compliance Officer has a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Untimely submissions shall not receive consideration. Such appeal must be made in writing to the Superintendent of Schools. The District may determine whether someone other



than the Superintendent will be appointed to hear an appeal. The Superintendent shall provide the parties with a reasonable and equal opportunity to make a written statement in support of, or challenging, the outcome, and shall notify the parties of the results of the appeal and the rationale for the result.

The Superintendent shall make their decision within fifteen (15) days or receipt of the appeal. If the Superintendent requires a reasonable extension of time for good cause, they shall notify both parties as to the reason and the approximate date by which they anticipate being able to complete the process. The Superintendent's decision shall be final. The parties shall be notified of the decision in writing.

Nothing set forth in the Appeal Process above shall be construed to in any way confer upon either the complainant(s) or the person(s) accused of violating this Policy any right to appeal the District's determination as to appropriate disciplinary and/or corrective action to be taken on meritorious complaints. In this regard, the District at all times retains sole discretion to determine the appropriate disciplinary and/or corrective action to be taken with regard to a meritorious complaint.

## **SECTION 8: RECORD KEEPING**

The District shall maintain a written record of all complaints of discrimination and/or harassment for a period of at least three years. The District shall also document the steps taken with regard to investigations, as well as conclusions reached and remedial action taken, if any. The District shall also maintain these documents for, at a minimum, three years.

The District's records regarding alleged discrimination and harassment shall be maintained separate and apart from personnel records in a secure and confidential location.

## **SECTION 9: LEGAL PROTECTIONS AND EXTERNAL REMEDIES**

Discrimination and harassment based on protected characteristics, including sexual harassment, are not only prohibited by the District but are also prohibited by state, federal, and, where applicable, local law.

Aside from the internal process at the District, employees may also choose to pursue legal remedies with the following governmental entities. While a private attorney is not required to file a complaint with a governmental agency, you may seek the legal advice of an attorney.

In addition to those outlined below, employees in certain industries may have additional legal protections.

Aside from the internal process, employees may also choose to pursue legal remedies available to them, including, but not limited to, filing complaints with governmental entities. Employees and non-employees have the right to file a complaint with the New York State Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, or with the Equal Employment Opportunity Commission, 1-800-669-4000, [www.eeoc.gov](http://www.eeoc.gov), [info@eeoc.gov](mailto:info@eeoc.gov). Individuals may also call the New York State Division of Human Rights' (NYSDHR's) toll free confidential hotline at 1-800-HARASS-3 (1-800-427-2773) Monday through Friday, 9:00 AM to 5:00 PM, for counsel and assistance regarding complaints of workplace sexual harassment. The hotline connects individuals with attorneys who have experience in responding to issues relating to sexual harassment and can provide pro bono assistance. Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find

out if such a law exists. If the harassment involves unwanted physical touching, coerced physical confinement, or coerced sex acts, the conduct may constitute a crime. Contact the local police department.

## **SECTION 10: QUESTIONS**

Any questions by employees of the District about this Policy or potential harassment or discrimination should be brought to the attention of one of the District's Civil Rights Compliance Officers. The names, addresses, and telephone numbers of the District's Civil Rights Compliance Officers are listed on the District's website.

Adoption date: August 10, 2020

Revised: October 23, 2023

Revised: July 22, 2024