

MINUTES OF BABYLON SCHOOL BOARD REGULAR BUSINESS MEETING

DATE OF MEETING: October 3, 2022
PLACE: Babylon Junior-Senior High School, 50 Railroad Avenue, Babylon, NY 11702

Members Present

Mrs. Carol Ann Dell’Erba, President
Mrs. Linda Jurs, Vice President
Mr. Ari McKenzie
Mr. Dominick Montalto
Mrs. Donna Noesi
Mrs. Theresa Patiri
Mr. David Sonkin

APPROVED

Interim Superintendent

Mr. Brian L. Conboy

Central Office Administration

Ms. Deirdre Lunetta, Assistant Superintendent for Business
Ms. Carisa Manza, Assistant Superintendent for Curriculum & Instruction

District Clerk

Linda McGarvey

School Attorney

Doug Spencer
Nicole Murphy

CALL TO ORDER The meeting was called to order at 6:30 p.m. by C. Dell’Erba, President. A motion to enter executive session by T. Patiri and seconded by D. Noesi, for the purpose of discussing the employment history of particular individuals and advice from counsel was made. (6-0) Public session resumed at 7:30 p.m. at which time C. Dell’Erba, President, led the assemblage in the Pledge of Allegiance.

APPROVAL OF MINUTES The Minutes of the Regular Meeting of September 12, 2022 were approved on motion by L. Jurs and seconded by D. Montalto. (7-0)

COMMITTEE REPORTS Board of Education committee chairs had no news to report at this time but will have dates for committee meetings by the next Board meeting.

SUPERINTENDENT’S REPORT Today we are going to start with Kate and Caitlin. They are students from the Jr./Sr. High School, and they are going to fill in on various exciting things that are happening at the Jr./Sr. High School. Thanks for coming out girls.

Student Delegates, Kate and Caitlin reported the following:

Senior High Student Council Events:

· Student Council worked diligently to prepare for the recent Homecoming. Thank you to all who came out to watch the parade, enjoy the concessions, and support the team. It was a beautiful day and a wonderful community celebration.

· We are also working on planning an outdoor Safe Halloween, which will be on Thursday, October 27, starting at 4pm, hosted at BHS. The event will include trick or treating and various games led by Student Council members. All families should sign in at the Grove Place doors, where a \$5 entry fee will be collected. All money will be used to support Babylon families in need.

Fine Arts Department:

15 student artists from kindergarten through seniors will have their artwork on display at the NYS School Board Associations’ conference this month.

We will also have student artists from kindergarten through seniors displaying their artwork at the Apples and Arts Festival at the Conklin House during the Babylon Village street fair, October 14th through Oct 16th.

Social Studies Department:

The National Social Studies Honor Society welcomed new members this week! Congratulations to the junior and senior students who applied and were accepted based on their excellence in Social Studies. We look forward to a great school year!

World Languages Department:

The Spanish Honor Society is recognizing National Hispanic Heritage Month with informational fliers and announcements daily to make BHS aware of the outstanding contributions the Latinx population have made to our country's history.

The French Honor Society is preparing for a trip to see An American In Paris at the Argyle Theatre on October 13th. Students from senior high French classes were invited to join also.

Mr. Conboy went on to add a few additional pieces of information: The first involves our livestreaming. We did get some reports that the clarity of the presentation from the people that were watching on our livestream was a little bit less than exemplary, so we have a new camera and a new microphone that we are using for tonight. Hopefully, that works well and works better than the old system, and then we are going to wire that to the ceiling here so that we can use it for all of our meetings. We hope that it is working well.

It's October and it feels like October, particularly this past weekend. Ms. Manza and I are both new here, but we certainly are not disappointed with the way things have gone the first month of school. Like any school district, there are a lot of things to get your attention. There are policies and procedures that we need to have analyzed. We are very hopeful that we can put some things in place that will be long-term solutions for the district, so we are looking forward to doing that.

I agree that homecoming was beautiful. We certainly picked the right weekend weatherwise and when you have an earlier homecoming, sometimes you get nicer weather. If you had your homecoming this past weekend, that was a bit soggy. So, the later you go into the Fall, the more problems you have with weather. The PEP rally on Friday, and the Homecoming on Saturday were very spirited and extremely memorable. Some of you have been waiting on the sexual harassment policy that the district has been working on. The attorneys are here, and Ms. Murphy has been working diligently on that sexual harassment policy. It was just completed and was given to the Board for review. Our plan is that, at our next School Board meeting, which is October 24th, we are going to have a first reading of that policy. The policy will be posted with the next agenda, and it takes two readings to be put in place, so anybody who is interested in reading up on that, please look at our Board webpage for the next meeting's agenda.

Also, questions came up about the school's quality survey that was put in place last year. That survey had been posted to the web, but last year you paid for a public presentation of that survey. So, at our next Board meeting on October 24th, right here in the library, we are going to have the company, K12 Insight, with us and they are going to give us the presentation of that survey information. We'll put that message out and it on the web and hopefully we get some people here that are interested in it. Those that took part in the survey were the jr./sr. high school students, volunteer parents and volunteer staff members. We will learn all about the results of that survey at our next meeting.

We began advertising for the Citizens Advisory Committee on our website. We already have 17 people that have shown interest. The application for that will be on the website until this Friday. We said October 7th was the last date that we would have that active, and that is this Friday.

We have some interesting guidance news from Mr. Murphy and Ms. Manza is going to handle that.

Ms. Manza: Thank you, Mr. Conboy. Good evening members of the Board of Education and the Babylon community. As Mr. Conboy said, we have only been here for a few short weeks. I believe today is day 14. But in that short time, it is abundantly clear to me that in Babylon we have lots to celebrate. Notably, it is my distinct pleasure to share with you, on behalf of Mr. Cirone, Ms. Callahan and Mr. Murphy, great news regarding some of our exceptional students at the Jr./Sr. High School. I am pleased to share that, this year, we have 52 advanced placement scholars. This is inclusive of 27 AP Scholars, which is granted to students who receive scores of 3 or higher on three or more AP exams. We also have 11 AP Scholars with Honor, granted to students who receive an average score of at least 3.25 on all AP exams taken, and scores of 3 or higher on four or more of these exams. We have 14 AP Scholars with Distinction, granted to students who receive an average score of at least 3.5 on all AP exams taken, and scores of 3 or higher on five or more of these exams.

This is a tremendous point of pride in and of itself and because it represents that we have more than doubled the number of students earning this distinction over the past four years. For some context, Mr. Murphy shared the following five-year longitudinal history: in 2018, we had 22 total scholars. In 2019, we had 32 total scholars. In 2020, there were 21 total scholars. And, again in 2021, there were 21 total scholars. In 2022, we have 52 total scholars.

So, indeed, congratulations are in order to the students and staff for having earned this tremendous accolade. I am looking forward to sharing the future successes of our students and staff with the Board and members of the community. Thank you.

**PUBLIC COMMENT/
QUESTIONS**

Desiree Harkins, Fumi Otomo, Kate O'Hara, Mary Schubart, and Danielle Skarulis approached the Board with questions/comments.

OMNIBUS MOTION

NEW BUSINESS

C. Dell'Erba requested a motion to omnibus Items 1-13. This was approved on motion by D. Sonkin and seconded by A. McKenzie. (7-0)

C. Dell'Erba requested a motion to approve Items 1-13. This was approved on motion by T. Patiri and seconded by D. Noesi. (7-0)

1. **PROBATIONARY .5 FTE SCHOOL PSYCHOLOGIST: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the appointment of Karen Pinto, PsyD, as a .5 Probationary School Psychologist, effective after approval to September 1, 2026*. Ms. Pinto has a Psy.D., in School-Clinical Child Psychology, M.S.Ed., in School Psychology and B.A. in Psychology. Compensation for this assignment to be .5 Step 1/MA75+Ph.D. (\$43,681) Prorated.

2. **PART-TIME AIDE APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the following part-time aide appointments from September 1, 2022 to June 30, 2023. Compensation for these positions to be in accordance with the 2022-2023 Aides and Monitors Association contract. (Step 1-\$18.62, Step 2-\$18.94, Step 3-\$19.30)

Elementary School

Stephanie Benci Michael DiCarlo

3. **PER DIEM SUBSTITUTE TEACHER APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the appointment of the following per diem substitute teachers for the 2022-2023 school year. Compensation for these assignments to be at the substitute teacher per diem rate of pay scale: Days: 1-30 \$110.00; Days: 31-60 \$120.00; Days: 61-90 \$130.00; Over 91 days: \$140.00.

Elementary School

Alexandra Will Maria Fiorillo Abigail Stricoff

Grade School

Olivia Stegner (.5)

High School

Alexis Guy Thomas Col

4. **STUDENT TEACHER APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the following student teachers for the Fall 2022 semester:

Student Teacher	Field of Study	Cooperating Teachers
Tramaine Nero	Early Childhood Education	Jennifer Bell
Tramaine Nero	Early Childhood Special Education	Alyssa Freeman and Samantha Weitz

5. **CASUAL APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education appoints the following coaching appointments for the Winter 2022 season. Compensation for these appointments to be in accordance with the 2022/2023 Babylon Teachers' Association Contract.

Varsity Boys' Basketball	William Singleton	\$8,404
JV Boys' Basketball	Tim Halvorsen	\$6,654
JH Boys' Basketball** (Black)	Chris Morra	\$4,862
JH Boys' Basketball** (Orange)	Robert Andrews	\$4,862
Varsity Girls' Basketball	Chris Ryan	\$8,404
JV Girls' Basketball	Kelsey Ferguson	\$6,654
JH Girls' Basketball***(Black)	Ashley Jones	\$4,862
JH Girls' Basketball***(Orange)	Stephanie Greaney	\$4,862
JH Girls' Volleyball**(Black)	Brenda Mayo	\$4,862
JH Girls' Volleyball**(Orange)	Samantha Czczotka	\$4,862
Varsity Boys' Winter Track	Adam Geller	\$7,583
Varsity Boys; Winter Track asst	Dennis McGovern	\$5,996
Varsity Girls' Winter Track	Chris Pedersen	\$7,583
Varsity Girls' Winter Track Asst	Mike Sinclair	\$5,996
Varsity Wrestling	Danny McHugh	\$8,404
JV Wrestling	Mike Patrovich	\$6,654
JH Wrestling***	Phil Grande	\$4,862
JH Wrestling***	Mike Russo	\$4,862
Varsity Cheerleading	Kara Bochicchio	\$5,893
JH Cheerleading**	Ashley Belmonte	\$4,862
Varsity Boys' Independent Swimming	Jaime Harrison	\$1,045
Winter Weight Room (Supervisor)	Jim Burke	\$1,045
Volunteer coach- Varsity boys track	Jeff Hedberg	N/A

NOTE: ** Early Winter Sport

*****Late Winter Sport**

6. **CASUAL APPOINTMENTS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the following casual appointments for the 2022-2023 school year. Compensation for these positions to be in accordance with the Babylon Teachers' Association Contract for the 2022-2023 school year:

ELEMENTARY SCHOOL		
CLUBS – TIER 2		
Animal Club	Samantha Weitz (Covello)	(\$1,566)
Around the World	Megan Connolly	(\$1,566)
Art & Literacy Club	Kim DeRosa	(\$1,566)
Best Buddies	Kristen Scheriff	(\$1,566)
Coding Club	Diana Orsini	(\$1,566)
Shark Tank	Emily Taxin	(\$1,566)
GRADE SCHOOL		
CLUBS – TIER 2		
Lego Club (Grades 3 & 4)	Nicole Gamble	(\$1,566)
Broadcast Club (Grade 5)	Jessica Kurtz	(\$1,566)
Broadcast Club (Grade 6)	Jessica Kurtz	(\$1,566)
Cheer Club	Kara Bochicchio	(\$1,566)
Harry Potter Club	Lisa Necroto	(\$1,566)
CLUBS – TIER 3		
Lego Club (Grade 5)	Nicole Campanaro	(\$784)
Jewelry Factory*	Nicole Gamble	(\$784)
*Jewelry Factory was initially approved as a half-stipend (Tier 3) club but is requesting approval as a full-stipend (Tier 2) club. (\$1,566)		

7. **VILLAGE OF BABYLON SERVICES AGREEMENT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves the Services Agreement by and between the Village of Babylon and the Babylon School District for the 2022-2023 school year.

8. **EMERGENCY REPAIR RESOLUTION: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education adopts the following emergency repair resolution:

WHEREAS, immediate repair/replacement of the card access readers at Babylon Junior-Senior High School, Babylon Memorial Grade School, Babylon Elementary School, and Babylon Central Office is essential to preserve the District’s property and the students and staff located thereon and to ensure the continued education of students and the health and safety of students and staff at said locations; and

WHEREAS, the repairs/replacement are essential to preserve the District’s property and to ensure the continued education of students and the health and safety of students and staff; and

WHEREAS, the District will submit plans for the repairs/replacement to the New York State Education Department, Office of Facilities Planning (“SED”) and advise SED that the repairs/replacement will be performed on an emergency basis, in order preserve the District’s property and to ensure the continued education of students and the health and safety of students and staff; and

WHEREAS, the Board of Education has declared that the repairs/replacement are essential to preserve the District’s property and to ensure the continued education of students and the health and safety of students and staff, is an emergency where time is a crucial factor, affecting a public building, public property and the health and safety of students and staff, and which requires immediate repair and/or replacement; and therefore

BE IT RESOLVED, the Board of Education hereby declares the repair/replacement of the card access readers at Babylon Junior-Senior High School, Babylon Memorial Grade School, Babylon Elementary School, and Babylon Central Office an emergency requiring immediate repair/replacement and therefore an exception to the competitive bidding requirements as set forth in General Municipal Law §103(4); and

BE IT FURTHER RESOLVED, the Board of Education declares the costs associated with the repairs/replacement an ordinary contingent expense of the District such that they do not require voter approval; and

BE IT FURTHER RESOLVED, the Board of Education hereby authorizes the Superintendent of Schools to appropriate and transfer such funds as is necessary for the repair/replacement of the card access readers at Babylon Junior-Senior High School, Babylon Memorial Grade School, Babylon Elementary School, and Babylon Central Office, and directs the Superintendent of

Schools to take such action as is necessary to effectuate the same in accordance with District policy and State law and regulations; and

BE IT FURTHER RESOLVED, the Board of Education hereby classifies the repair/replacement as a Type II Action, which requires no further review under SEQRA pursuant to §§617.5(c)(33) and 617.5(c)(2) of the SEQR Regulations; and

BE IT FURTHER RESOLVED that the Board of Education shall hereby forward an official copy of this and any prior relevant resolutions together with any required request for approval of the above-described project to the New York State Education Department.

9. **COMMITTEE ON SPECIAL EDUCATION AND COMMITTEE ON PRESCHOOL SPECIAL EDUCATION: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the recommendations from the Committee on Special Education and the Committee on Preschool Special Education for cases dated August 24, 2022 through September 29, 2022.
10. **DONATION: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education accepts the donation of a Daktronics BB-2101 basketball scoreboard, to be installed on the west wall of the high school west gymnasium to serve the JH boys basketball team, JH girls basketball team, varsity, JV and JH wrestling teams, all host interscholastic competitions (valued at \$6,345.00).
11. **TAX LEVY: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the tax levy for the 2022-2023 school year be set at \$44,472,506. The estimated tax rate will be \$232.20 per \$100 of assessed valuation.
12. **INVESTMENT OF FUNDS: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves NYCLASS for the investment of district funds.
13. **APPROVAL OF CONSULTANT: RESOLVED**, that upon the recommendation of the Superintendent of Schools, the Board of Education approves Carol Feudi as Consultant to the District for the HR department and business office effective October 18, 2022 at the hourly rate of \$50 per hour.

OTHER BUSINESS

No other business was discussed.

REPRESENTATIVES OF ORGANIZATIONS

Desiree Harkins, PTSA President, and Fumi Otomo, PTSA Vice President spoke together.

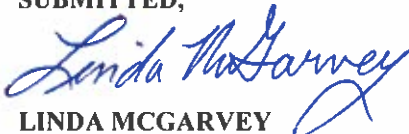
FUTURE BOARD MEETINGS

C. Dell'Erba announced the following future Board of Education meetings:
BOE Work/Student Meeting, Monday, October 24, 2022, 7:30 p.m. and
BOE Regular Business Meeting, November 14, 2022, 7:30 p.m.

ADJOURNMENT

On motion by L. Jurs, seconded by A. McKenzie, the Board adjourned the executive session at 8:01 p.m.
Approved (7-0)

**RESPECTFULLY
SUBMITTED,**



**LINDA MCGARVEY
DISTRICT CLERK**

SEXUAL HARASSMENT

The Board of Education recognizes that harassment of students on the basis of actual or perceived sex, sexual orientation, and /or gender identity and expression 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.

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual harassment of a student can deny or limit the student's ability to participate in or to receive benefits, services, or opportunities from the school's program.

Sexual harassment includes unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's actual or perceived sex, sexual orientation, and/or gender identity and expression, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of a student's education;
- b. submission to or rejection of such conduct is used as the basis for decisions affecting a student's education; or
- c. the conduct has the purpose or effect of unreasonably interfering with a student's school performance or creating an intimidating, hostile, or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes. Examples of sexual harassment can be found in the accompanying regulation (0110.1-R).

The Board is committed to providing an educational environment that promotes respect, dignity, and equality and that is free from all forms of sexual harassment. To this end, the Board condemns and strictly prohibits all forms of sexual harassment on school grounds, school buses, and at all school-sponsored activities, programs, and events including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when harassment is done by electronic means (including on social media). Sanctions will be enforced against all those who engage in

sexual harassment or retaliation, and against district personnel who knowingly allow such behavior to continue.

Sexual harassment may subject the district to liability for harm done to targets. Harassers may also be individually subject to civil liability if sued in a court of law or criminal liability if prosecuted.

Under various state and federal laws, students have legal protections against sexual harassment in the school environment as described above. Those laws are listed in the references section. The district's Code of Conduct also addresses appropriate behavior in the school environment. Sexual harassment can occur between persons of all ages and genders.

In order for the Board to effectively enforce this policy and to take prompt corrective measures, it is essential that all targets of sexual harassment and persons with knowledge of sexual harassment report the harassment immediately. The district will promptly investigate all complaints of sexual harassment, either formal or informal, verbal or written. To the extent possible, all complaints will be treated in a confidential manner. Limited disclosure may be necessary to complete a thorough investigation. If the complainant reports that they feel unsafe at school due to the nature of the complaint, the district will determine if accommodations need to be made until the issue is resolved.

If, after appropriate investigation, the district finds that a person violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy, and state law.

All complainants and those who participate in sexual harassment complaints or the investigation of a complaint of sexual harassment have the right to be free from retaliation of any kind, when they do so with a reasonable suspicion that sexual harassment has occurred. Such prohibited retaliation can include, but is not limited to, discipline, discrimination, demotion, denial of privileges, or any action that would keep a person from coming forward to make or support a sexual harassment claim. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation.

The Superintendent of Schools is directed to develop and implement regulations for reporting, investigating and remedying allegations of sexual harassment. These regulations are to be attached to this policy. In addition, the Board directs that training programs shall be established for students, and annually for employees, to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment. Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

This policy shall be posted in a prominent place in each district facility, on the district's website, and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate school publications.

The Board of Education will review this policy's effectiveness and compliance with applicable state and federal law, and to recommend revisions as appropriate.

Ref: 0115, Student Harassment and Bullying Prevention and Intervention

Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*

Education Law §§10-18 (The Dignity for All Students Act) Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §100 *et seq.*

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)

Cannon v. University of Chicago, 441 U.S. 677 (1979)

Franklin v. Gwinnett County Public Schools, 503 U.S. 60 (1992)

Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)

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)*

Title IX of the Education Amendments of 1972

Adoption date: April 2, 2001

Revised Adoption date:

SEXUAL HARASSMENT REGULATION

This regulation is intended to create and preserve an educational environment free from unlawful sexual harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression, in furtherance of the district's commitment to provide a healthy and productive environment for all students that promotes respect, dignity and equality.

Sexual Harassment Defined

Sexual harassment is a form of sex discrimination and is unlawful under federal and state law. Sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression. Sexual harassment refers to sex-based conduct that includes one or more of the following categories:

- 1) Quid Pro Quo Harassment: instances where a school employee conditions education benefits on participation in unwelcome sexual conduct; or
- 2) Unwelcome conduct that a reasonable person would determine is so severe, pervasive, *and objectively offensive* that it effectively denied a person equal access to the school's education program or activity; or
- 3) Sexual assault, (as defined in the Clergy Act, 20 U.S.C. § 1092(f)), and dating violence, domestic violence, or stalking (as defined in the Violence Against Women Act, 34 U.S.C. § 12291(a)).

Unwelcome conduct which is either of a sexual nature, or which is directed at an individual because of that individual's actual or perceived sex, gender, or sexual orientation, when:

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of a student's education (including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education); or
2. submission to or rejection of that conduct or communication by an individual is used as the basis for decisions affecting a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with a student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile or offensive educational environment, even if the complaining individual is not the intended target of the sexual harassment.

Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, or verbal, nonverbal or

physical aggression, intimidation or hostility that is based on sex, gender and sexual orientation stereotypes.

Unacceptable Conduct

School-related conduct that the district considers unacceptable, and which may constitute sexual harassment includes, but is not limited to, the following:

1. rape, attempted rape, sexual assault, attempted sexual assault, forcible sexual abuse, hazing, and other sexual and gender-based activity of a criminal nature as defined under the State Penal Law;
2. unwelcome sexual advances or invitations or requests for sexual activity, including but not limited to those in exchange for grades, preferences, favors, selection for extracurricular activities, homework, etc., or when accompanied by implied or overt threats concerning the target's school evaluations, other benefits or detriments;
3. unwelcome or offensive public sexual display of affection, including kissing, hugging, making out, groping, fondling, petting, inappropriate touching of one's self or others (e.g., pinching, patting, grabbing, poking), sexually suggestive dancing, and massages;
4. any unwelcome communication that is sexually suggestive, sexually degrading or derogatory or implies sexual motives or intentions, such as sexual remarks or innuendoes about an individual's clothing, appearance or activities; sexual jokes; sexual gestures; public conversations about sexual activities or exploits; sexual rumors and "ratings lists;" howling, catcalls, and whistles; sexually graphic computer files, messages or games, etc.;
5. unwelcome and offensive name calling or profanity that is sexually suggestive or explicit, sexually degrading or derogatory, implies sexual intentions, or that is based on sexual stereotypes or sexual orientation, gender identity or expression;
6. unwelcome physical contact or closeness that is sexually suggestive, sexually degrading or derogatory, or sexually intimidating such as the unwelcome touching of another's body parts, cornering or blocking an individual, standing too close, spanking, pinching, following, stalking, frontal body hugs, etc.;
7. unwelcome and sexually offensive physical pranks or touching of an individual's clothing, such as hazing and initiation, "streaking" (running naked in public), "mooning" (exposing one's buttocks), "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "pantsing" or "spiking" (pulling down someone's pants or swimming suit); pinching; placing hands inside an individual's pants, shirt, blouse, or dress, etc.;
8. unwelcome leers, stares, gestures, or slang that are sexually suggestive; sexually degrading or derogatory or imply sexual motives or intentions;
9. clothing with sexually obscene or sexually explicit slogans or messages;
10. unwelcome and offensive skits, assemblies, and productions that are sexually suggestive, sexually degrading or derogatory, or that imply sexual motives or intentions, or that are based on sexual stereotypes;
11. unwelcome written or pictorial display or distribution (including via electronic devices) of pornographic or other sexually explicit materials such as signs, graffiti, calendars, objects, magazines, videos, films, Internet material, etc.;

12. other hostile actions taken against an individual because of that person's actual or perceived sex, sexual orientation, gender identity or expression, such as interfering with, destroying or damaging a person's school area or equipment; sabotaging that person's school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to participate in school functions and activities; and
13. any unwelcome behavior based on sexual stereotypes and attitudes that is offensive, degrading, derogatory, intimidating, or demeaning, including, but not limited to:
 - a. disparaging remarks, slurs, jokes about or aggression toward an individual because the person displays mannerisms or a style of dress inconsistent with stereotypical characteristics of the person's sex;
 - b. ostracizing or refusing to participate in group activities with an individual (for example, during class projects, physical education classes or field trips) because of the individual's actual or perceived sex, sexual orientation, and/or gender identity or expression;
 - c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's actual or perceived sex, sexual orientation, or gender.

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student did not request or invite it and regarded the conduct as undesirable or offensive.

Sexual harassment may occur on school grounds, school buses and at all school-sponsored activities, programs, and events, including those that take place at locations outside the district, or outside the school setting if the harassment impacts the individual's education in a way that violates their legal rights, including when the harassment is done by electronic means (including on social media).

Determining if Prohibited Conduct is Sexual Harassment

Complaints of sexual harassment will be thoroughly investigated to determine whether the totality of the behavior and circumstances meet any of the elements of the above definition of sexual harassment and should therefore be treated as sexual harassment. Not all unacceptable conduct with sexual connotations may constitute sexual harassment. In many cases (other than quid pro quo situations where the alleged harasser offers academic or employment rewards or threatens punishment as an inducement for sexual favors), unwelcome conduct must be sufficiently severe, pervasive, and objectively offensive to be considered sexual harassment. If the behavior doesn't rise to the level of sexual harassment but is found to be objectionable behavior, the individual will be educated and counseled in order to prevent the behavior from continuing.

In evaluating the totality of the circumstances and making a determination of whether conduct constitutes sexual harassment, the individual investigating the complaint should consider:

1. the degree to which the conduct affected the ability of the student to participate in or benefit from his or her education or altered the conditions of the student's learning environment or altered the conditions of the employee's working environment;
2. the type, frequency and duration of the conduct;
3. the identity of and relationship between the alleged harasser and the subject of the harassment (e.g., sexually based conduct by an authority figure is more likely to create a hostile environment than similar conduct by a peer);
4. the number of individuals involved;
5. the age and sex of the alleged harasser and the subject of the harassment;
6. the location of the incidents and context in which they occurred;
7. other incidents at the school; and
8. incidents of gender-based, but non-sexual harassment.

Reporting Complaints

Students who believe they been the target of sexual harassment related to the school setting are encouraged to report complaints as soon as possible after the incident in order to enable the District to promptly and effectively investigate and resolve the complaint. Any person who witnesses or is aware of sexual harassment of a student is also encouraged to report the incident or behavior to the district Any person who witnesses, is aware of, or has a reasonable suspicion of sexual harassment of a student is also encouraged to report the incident or behavior to the district. Targets are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Principal or the Title IX coordinator; however, students may go to any district employee with sexual harassment complaints.

Any school employee who receives a complaint of sexual harassment from a student shall inform the student of the employee's obligation to report the complaint to the school administration, and then shall immediately notify the Principal and/or the Title IX coordinator.

In order to assist investigators, targets should document the harassment as soon as it occurs and with as much detail as possible including: the nature of the harassment; dates, times, places it has occurred; name of harasser(s); witnesses to the harassment; and the target's response to the harassment.

Confidentiality

It is district policy to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the district will not release the details of a complaint or the identity of the complainant or the individual(s) against whom the complaint is filed to any third parties who do not need to know such information. However, because an individual's need for confidentiality must be balanced with the district's legal obligation to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve the complaint, the district retains the right to disclose the identity of parties and witnesses to complaints in appropriate circumstances to individuals with a need to know. The staff member

responsible for investigating complaints will discuss confidentiality standards and concerns with all complainants.

If a complainant requests that his/her name not be revealed to the individual(s) against whom a complaint is filed, the staff member responsible for conducting the investigation shall inform the complainant that:

1. the request may limit the district's ability to respond to their complaint;
2. district policy and federal law prohibit retaliation against complainants and witnesses;
3. the district will attempt to prevent any retaliation; and
4. the district will take strong responsive action if retaliation occurs.

If the complainant still requests confidentiality after being given the notice above, the investigator will take all reasonable steps to investigate and respond to the complaint consistent with the request as long as doing so does not preclude the district from responding effectively to the harassment and preventing the harassment of others.

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Principal or the Title IX coordinator shall conduct a preliminary review when they receive a verbal or written complaint of sexual harassment, or if they observe sexual harassment. Except in the case of severe or criminal conduct, the Principal or the Title IX coordinator should make all reasonable efforts to resolve complaints informally at the school level. The goal of informal investigation and resolution procedures is to end the harassment and obtain a prompt and equitable resolution to a complaint. This investigation shall be prompt and thorough and shall be completed as soon as possible.

As soon as possible but no later than two working days following receipt of a complaint, the Principal or Title IX coordinator should begin an investigation of the complaint according to the following steps:

1. Interview the target and document the conversation. Instruct the target to have no contact or communication regarding the complaint with the alleged harasser. Ask the target specifically what action he/she wants taken in order to resolve the complaint. Refer the target, as appropriate, to school social workers, school psychologists, crisis team managers, other school staff, or appropriate outside agencies for counseling services.
2. Review any written documentation of the harassment prepared by the target. If the target has not prepared written documentation, instruct the target to do so, providing alternative formats for individuals with disabilities and young children, who have difficulty writing and need accommodation. If the complainant refuses to complete a complaint form or written documentation, the Principal or Title IX coordinator shall complete a complaint form (see exhibit 0115-E, Student Bullying and Harassment Complaint Form) based on the verbal report.

3. Request, review, obtain and preserve relevant evidence of harassment (e.g., documents, emails, phone records, etc.), if any exist.
4. Interview the alleged harasser regarding the complaint and inform the alleged harasser that if the objectionable conduct has occurred, it must cease immediately. Document the conversation. Provide the alleged harasser an opportunity to respond to the charges in writing.
5. Instruct the alleged harasser to have no contact or communication regarding the complaint with the target and to not retaliate against the target. Warn the alleged harasser that if he/she makes contact with or retaliates against the target, he/she will be subject to immediate disciplinary action.
6. Interview any witnesses to the complaint. Where appropriate, obtain a written statement from each witness. Caution each witness to keep the complaint and his/her statement confidential.
7. Review all documentation and information relevant to the complaint.
8. Where appropriate, suggest mediation as a potential means of resolving the complaint. In addition to mediation, use appropriate informal methods to resolve the complaint, including but not limited to:
 - a. discussion with the accused, informing him or her of the district's policies and indicating that the behavior must stop;
 - b. suggesting counseling and/or sensitivity training;
 - c. conducting training for the department or school in which the behavior occurred, calling attention to the consequences of engaging in such behavior;
 - d. requesting a letter of apology to the complainant;
 - e. writing letters of caution or reprimand; and/or
 - f. separating the parties.
9. Involvement and Notification
 - a. Parents/guardians of student targets and accused students shall be notified within one school day of allegations that are serious or involve repeated conduct.
 - b. The parents/guardians of students who file complaints are welcome to participate at each stage of both informal and formal investigation and resolution procedures.
 - c. If either the target or the accused is a disabled student receiving special education services under an IEP or section 504/Americans with Disabilities Act accommodations, the committee on special education will be consulted to conduct a review of the relationship between the student's disability and the behavior in order to determine the degree to which the student's disability either caused or is affected by the discrimination or policy violation. In addition, due process procedures required for persons with disabilities under state and federal law shall be followed.
 - d. The Principal or Title IX Coordinator (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the Superintendent.

- e. The investigator shall report back to both the target and the accused, notifying them in writing, and also in person as appropriate regarding the outcome of the investigation and the action taken to resolve the complaint. The investigator shall instruct the target to report immediately if the objectionable behavior occurs again or if the alleged harasser retaliates against them.
 - f. The investigator shall notify the target that if they desire further investigation and action, he/she may request a district-level investigation by contacting the Superintendent of Schools. The investigator shall also notify the target of his/her right to contact the U.S. Department of Education's Office for Civil Rights and/or a private attorney. Employees may also contact the U.S. Equal Employment Opportunity Commission or the New York State Division of Human Rights.
10. Create a written documentation of the investigation, kept in a secure and confidential location, containing:
- a. A list of all documentation and other evidence reviewed, along with a detailed summary;
 - b. A list of names of those interviewed along with a detailed summary of their statements;
 - c. A timeline of events;
 - d. A summary of prior relevant incidents, reported or unreported; and
 - e. The final resolution of the complaint, together with any corrective action(s).

If the initial investigation results in a determination that sexual harassment did occur, the investigator will promptly notify the Superintendent, who shall then take prompt disciplinary action in accordance with district policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Principal or the Title IX Coordinator contains evidence or allegations of serious or extreme harassment, such as employee to student harassment, criminal touching, quid pro quo (e.g., offering an academic or employment reward or punishment as an inducement for sexual favors), or acts which shock the conscience of a reasonable person, the complaint will be referred promptly to the Superintendent. In addition, where the Principal or the Title IX coordinator has a reasonable suspicion that the alleged harassment involves criminal activity, they must immediately notify the Superintendent, who will then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a district employee, the accused employee will be suspended pending the outcome of the investigation, consistent with all contractual or statutory requirements.

Any party who is not satisfied with the outcome of the initial investigation by the Principal or the Title IX coordinator may request a district-level investigation by submitting a written complaint to the Superintendent within 30 days.

B. District-level Procedure

The Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred by a Principal or Title IX coordinator, as well as those appealed to the Superintendent following an initial investigation by a Principal or Title IX coordinator. In the event the complaint of sexual harassment involves the Superintendent, the complaint will be filed

with or referred to the Board President, who will refer the complaint to a trained investigator not employed by the district for investigation.

The district level investigation should begin as soon as possible but not later than three working days following receipt of the complaint by the Superintendent or Board President.

In conducting the formal district level investigation, the district will use investigators who have received formal training in sexual harassment investigation or that have previous experience investigating sexual harassment complaints.

If a district investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, district investigators may suggest mediation as a means of exploring options of corrective action and informally resolving the complaint.

No later than 30 days following receipt of the complaint, the Superintendent (or in cases involving the Superintendent, the Board-appointed investigator) will notify the target and alleged harasser, in writing, of the outcome of the investigation. If additional time is needed to complete the investigation or take appropriate action, the Superintendent or Board-appointed investigator will provide all parties with a written status report within 30 days following receipt of the complaint.

The target and the alleged harasser have the right to be represented by a person of their choice, at their own expense, during sexual harassment investigations and hearings. In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR) and the New York State Division of Human Rights (DHR). The OCR can be contacted at (800) 421-3481, 400 Maryland Avenue SW, Washington, DC 20202-1100, or at <https://www2.ed.gov/about/offices/list/ocr/docs/howto.html>. The DHR can be contacted at (888) 392-3644, www.dhr.ny.gov/complaint, or at 1 Fordham Plaza, Fourth Floor, Bronx, NY 10458.

Nothing in these regulations limits the right of the complainant to file a lawsuit in either state or federal court, or to contact law enforcement officials if the sexual harassment involves unwanted physical touching, coerced physical confinement or coerced sex acts, or other acts which may constitute a crime.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint, is prohibited and illegal, and therefore subject to disciplinary action. Likewise, retaliation against any person who has, in good faith, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing of a sexual harassment complaint is prohibited. For purposes of this policy, retaliation includes but is not limited to: verbal or physical threats, intimidation, ridicule, bribes, destruction of property, spreading rumors, stalking, harassing phone calls, discipline, discrimination, demotion, denial of privileges, any action that would keep a person from coming forward to make or support a sexual harassment

claim, and any other form of harassment. Such actions need not be job- or education-related, or occur in the workplace or educational environment, to constitute unlawful retaliation. Any person who retaliates is subject to immediate disciplinary action, up to and including suspension or termination.

Discipline/Penalties and Consequences

Any individual who violates the sexual harassment policy by engaging in prohibited sexual harassment will be subject to appropriate disciplinary action. Disciplinary measures available to school authorities include, but are not limited to the following:

Students: Discipline may range from a reprimand up to and including suspension from school, to be imposed consistent with the student conduct and discipline policy and applicable law.

Employees: Discipline may range from a warning up to and including termination, to be imposed consistent with all applicable contractual and statutory rights.

Volunteers: Penalties may range from a warning up to and including loss of volunteer assignment.

Non-employees (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees): Penalties may range from a warning up to and including loss of district business.

Other individuals: Penalties may range from a warning up to and including denial of future access to school property.

False Complaints

False or malicious complaints of sexual harassment may result in corrective or disciplinary action taken against the complainant.

Training

All students and employees will be informed of this policy in student and employee handbooks, on the district website and student registration materials. A poster summarizing the policy will also be posted in a prominent location at each school. All secondary school student body officers shall receive district training about the policy at the beginning of each school year.

In addition, age-appropriate curricular materials will be made available so that it can be incorporated in instruction K-12 to ensure that all students are educated to recognize and report sexual harassment, and on appropriate and inappropriate behavior.

All new employees shall receive information about this policy and regulation at new employee orientation. All other employees shall be provided information at least once a year regarding this policy and the district's commitment to a harassment-free learning and working environment. Principals, Title IX coordinators, and other administrative employees who have specific responsibilities for investigating and resolving complaints of sexual harassment shall receive yearly training on this policy, regulation and related legal developments.

Principals in each school and program directors shall be responsible for informing students and staff on a yearly basis of the terms of this policy, including the procedures established for investigation and resolution of complaints, general issues surrounding sexual harassment, the rights and responsibilities of students and employees, and the impact of sexual harassment on the target.

Adoption date: April 2, 2001

Revised Adoption date: