

PROHIBITION OF DISCRIMINATION, SEXUAL AND OTHER UNLAWFUL HARASSMENT OF EMPLOYEES, NON-EMPLOYEES AND INTERNS

The Tech Valley High School Operating Board is committed to safeguarding the right of all employees, certain non-employees and interns to work in an environment that is free from all forms of sexual harassment, including but not limited to any act of sexual violence. The Operating Board recognizes that sexual harassment depends not only on the offender's intention but also upon how the person who is the target of the alleged harassment perceives the behavior or is offended by it. The Operating Board further recognizes that sexual harassment can be committed by a person of either sex against a person of either the opposite sex or the same sex, and by peers as well as supervisors, students, and vendors.

The Operating Board therefore condemns and prohibits all unwelcome behavior of a sexual nature that is directed at an employee or intern and also behavior that has the purpose or effect of creating an intimidating, hostile or offensive working environment for employees and interns. Sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against individuals engaging in sexual harassment and against supervisory and managerial personnel who knowingly allow such behavior to continue.

The Operating Board also prohibits sexual harassment of non-employees in the Tech Valley High School workplace when Tech Valley High School and/or BOCES supervisors or officers knew or should have known that the non-employee was subjected to sexual harassment in the workplace and failed to take immediate and appropriate corrective action. In cases involving non-employees, the extent of Tech Valley High School's control or other legal responsibility Tech Valley High School has with respect to the conduct of the harasser shall be considered.

The Operating Board is also committed to safeguarding the right of all employees and interns to work in an environment that is free from all other unlawful harassment on the basis of race, color, national origin, sex, disability, age, religion, creed, sexual orientation, military status, predisposing genetic characteristics, marital status, domestic violence victim status, or other characteristic protected by federal or state law (collectively, the "protected characteristics").

Tech Valley High School does not discriminate against employees or interns on the basis protected characteristics in its programs and activities, including but not limited to recruitment and appointment of employees, employee pay and benefits, and other terms and conditions of employment. The Operating Board strictly prohibits discrimination against employees and interns on the basis of any protected characteristic.

The following persons have been designated to handle inquiries regarding this policy and the complaints of discrimination, sexual harassment or other unlawful harassment of employees, interns or contractors on the basis of any protected characteristic on behalf of Tech Valley High School in accordance: the Questar III Director of Human Resources, or any other designated Compliance Officer. The Questar III Director of Human

Resources may be contacted at: Questar III Administrative Offices, 10 Empire State Blvd., Castleton, NY. Other Compliance Officers, and their contact information, may be jointly designated by the District Superintendents. The phone number for the Questar III Administrative Offices is 518-477-8771. Inquiries and complaints also may be submitted by email to: compliance@questar.org .

The District Superintendents shall develop or cause to be developed and implement specific procedures on reporting, investigating and remedying allegations of discrimination, sexual harassment or other unlawful harassment on the basis of any prohibited characteristic. Appropriate corrective action shall be taken promptly, up to and including discharge of the offender, if an employee. Appropriate disciplinary action shall be taken promptly, if a student. In the absence of a victim's complaint, Tech Valley High School shall, upon either learning of or having reason to suspect the occurrence of discrimination, sexual harassment or other unlawful harassment on the basis of any protected characteristic ensure that an investigation is commenced immediately by appropriate individuals.

Such procedures shall be consistent with any applicable provisions contained in the Tech Valley High School collective bargaining agreements and with the tenure or civil service laws of the State of New York.

A copy of this policy and whatever regulations are developed to ensure its implementation shall be distributed to all employees and interns of Tech Valley High School and shall also be posted on the Tech Valley High School website and in appropriate places.

References

Tech Valley High School Intermunicipal Sharing Agreement, as amended
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 §100 *et seq.*
Executive Law §296-d (prohibition of sexual harassment of non-employees)
Labor Law §201-g (required sexual harassment policy and training)
Civil Practice Law and Rules §§5003-b (nondisclosure agreements optional); 7515 (mandatory arbitration prohibited)
General Obligations Law §5-336 (nondisclosure agreements optional)
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)
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)*

ADOPTED: 5/23/2019