

**GENDER DISCRIMINATION, INCLUDING
SEXUAL HARASSMENT, OF STUDENTS**

The Board of Education is committed to safeguarding the right of all students within the school district to learn in an environment that is free from all forms of gender discrimination, including sexual harassment. No student, on the basis of sex, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination, including sexual harassment. Sexual harassment is defined as conduct which a reasonable person who is the object of such conduct could conclude is: (a) unwanted touching of a sexual nature of any part of the person; (b) unwanted expressions to the person which intimidate, ridicule or otherwise offend the person on the basis of gender, traits associated with gender or presumed sexual or actual sexual orientation. The Board recognizes that sexual harassment of students can originate from a person of either sex against a person of the opposite or same sex, and from peers as well as employees, Board members or any individual who foreseeably might come in contact with students on school grounds or at school-sponsored activities. When an alleged gender discrimination occurs and the district knows about it, they shall take immediate and appropriate corrective action.

The Board, consistent with state and federal law, therefore condemns all unwelcome behavior of a sexual nature which may impose a requirement of sexual cooperation as a condition of academic advance, or which may have the purpose or effect of creating an intimidating, hostile, or offensive learning environment. The Board also prohibits any retaliatory behavior against complainants or any witnesses.

Any student who believes that he or she has been subjected to gender discrimination, including sexual harassment, should report the alleged misconduct immediately, pursuant to 5020.1-R, so that appropriate corrective action, up to and including discharge of an employee or suspension of a student, may be taken at once. The complainant shall not be discouraged from reporting an incident of alleged gender discrimination. In the absence of a victim's complaint, the Board, upon learning of, or having reason to suspect, the occurrence or any sexual misconduct, will ensure that an investigation is promptly commenced by appropriate individuals.

The Superintendent of Schools is directed to develop and implement specific procedures on reporting, investigating and remedying allegations of gender discrimination. Such procedures are to be consistent with any applicable provisions contained in the district's policy manual, collective bargaining agreements, the tenure laws as well as other federal and state laws on gender

discrimination. Training programs shall be established for students and employees to raise awareness of the issues surrounding sexual harassment and to implement preventative measures to help reduce incidents of sexual harassment.

A copy of this policy and its accompanying regulation are to be distributed to all personnel and students and posted in appropriate places. The existence of this policy and/or regulation does not prohibit the Board, administrators and employees of the District from dealing with any other student conduct which is inappropriate in the school setting as permitted by law.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681
Franklin v. Gwinnett County Public Schools, 112 S. Ct. 1028 (1992)
Meritor Savings Bank, FSB v. Vinson, 477 U.S. 57 (1986)
34 CFR §§106.8; 106.9

Effective date: February 28, 2000

**REGULATIONS - GENDER DISCRIMINATION,
INCLUDING SEXUAL HARASSMENT,
OF STUDENTS**

The following regulation will implement the Board of Education's policy concerning gender discrimination.

Sexual harassment is defined as conduct which a reasonable person who is the object of such conduct could conclude is: (a) unwanted touching of a sexual nature of any part of the person; (b) unwanted expressions to the person which intimidate, ridicule or otherwise offend the person on the basis of gender, traits associated with gender or presumed sexual or actual sexual orientation. A student can be subject to sexual harassment by a student, employee, Board member or any individual who foreseeably might come in contact with the student on school grounds or at school activities. Sexual harassment experienced by a student is not always easily recognized. The following may constitute grounds for finding of sexual harassment:

1. touching;
2. verbal comments;
3. sexual name calling;
4. spreading sexual rumors about a person;
5. gestures, jokes, pictures, leers;
6. overly personal conversation;
7. cornering or blocking student's movement;
8. pulling at clothes;
9. attempted rape and rape;
10. intentionally brushing up against someone;
11. flashing or mooning;
12. showing, giving or leaving sexual pictures, photographs, illustration, messages or notes;
13. forcing someone to kiss you or do something sexual other than kissing;
14. spying on someone while dressing or showering; and
15. calling someone a "fag" or a "lesbian" or "gay."

Procedures

Any student who believes that he or she has been the victim of gender discrimination, including sexual harassment, or any other person who believes that a student has been the victim of gender discrimination, including sexual harassment, may file a complaint with the Compliance Officer in accordance with

the provisions of these regulations. The Board of Education has designated the Business Official, Daniel P. Barrett, 621 State Route 23B, Hudson, NY 12534, phone (518) 828-4360, as Compliance Officer, to serve the district's responsibilities associated with compliance with Title IX. In addition, the Board has designated a second individual, Susan Deer, Director of Student Services, 621 State Route 23B, Hudson, NY 12534, phone (518) 828-4360, for ensuring compliance with Title IX in regard to gender discrimination so that students who believe that they have been subjected to gender discrimination will have a second avenue of complaint, if the alleged discriminator/harasser is the Compliance Officer, Business Official.

The Superintendent of Schools shall implement specific and continuing steps to notify students, parents, employees, and prospective students or employees that the school district does not discriminate on the basis of sex in the educational programs or activities which it operates as required by Title IX. Such notification shall include publication in: local newspapers; newspapers and magazines operated by the district or by student, alumnae, or alumni groups for or in connection with the district; and memoranda or other written communications distributed to every student and employee.

All reports of gender discrimination will be held in confidence, subject to all applicable laws and any relevant provisions found in the district's policy manual and collective bargaining agreements.

Consistent with federal and state law, and all applicable provisions contained in the district's policy manual and collective bargaining agreements, the following procedures shall be employed in handling any report, investigation and remedial action concerning allegations of gender discrimination:

Formal Complaints

Formal complaints may be submitted either to initially report any incidence of gender discrimination, or as a follow-up to an unsatisfactory resolution of an attempt to resolve a complaint.

The formal written complaint will consist of any appropriate forms and a copy of any applicable Building Principal or Superintendent reports. The appropriate forms solicit the specifics of the complaint, e.g., date and place of incident, description of sexual misconduct, names of any witnesses, and any previous action taken to resolve the matter.

The Superintendent or the Board shall take immediate, appropriate and corrective action upon a determination of gender discrimination. The Superintendent or the Board shall notify the complainant of any findings and action taken.

Remedial Action

If the investigation reveals that gender discrimination has occurred, appropriate sanctions will be imposed in a manner consistent with any applicable law, district policies or regulation. Depending on the gravity of the misconduct, sanctions may range from a reprimand up to and including dismissal of an employee or suspension or permanent suspension of a student.

Anyone subjecting complainants or witnesses to any form of retaliation will also be subject to disciplinary action in the manner prescribed by law and consistent with any applicable provisions in the district's policy manual or collective bargaining agreements. If the investigation reveals that no gender discrimination has occurred, or if the complainant is not satisfied with the remedial action taken after a finding of gender discrimination, the complainant may appeal to the next appropriate level in the complaint procedure. The appeal must include a copy of the original complaint, all relevant reports, the specific action being appealed, and an explanation of why the complainant is appealing.

Post Remedial Action

Following a finding of gender discrimination, victims will be periodically interviewed by the appropriate Building Principal or Superintendent to ensure that the discrimination and/or harassment has not resumed and that no retaliatory action has occurred. In the discretion of the district, these follow-up interviews will continue for an appropriate period of time.

Complaint Records

Upon written request, complainants should receive a copy of any resolution reports filed by the Building Principal or Superintendent concerning his/her complaint. Upon substantiation, copies should also be filed with the student or employment records of both the complainant and the alleged discriminator/harasser.

Investigation in the Absence of a Complaint

The Board will, in the absence of a victim's complaint, ensure that an investigation is commenced by the appropriate individuals, upon learning of, or having reason to suspect, the occurrence of any gender discrimination.

Effective date: February 28, 2000

Updated: October 9, 2001

HUDSON CITY SCHOOL DISTRICT

5020.1-E.1

GENDER DISCRIMINATION FORMAL COMPLAINT FORM

Name and position of complainant_____

Date of complaint_____

Name of alleged sexual harasser_____

Date and place of incident_____

Description of misconduct_____

Name of witnesses (if any)_____

Has the incident been reported before?_____

If yes, when?_____ To whom?_____

What was the resolution?_____

Reasons for dissatisfaction_____

HUDSON CITY SCHOOL DISTRICT

5020.1-E.2

**GENDER DISCRIMINATION COMPLAINT
APPEAL FORM**

Name and position of complainant _____

Date of appeal _____

Date of original complaint _____

Have there been any prior appeals? _____

If yes, when? _____ To whom? _____

Description of decision being appealed _____

Why is the decision being appealed? _____
