

Board of Education

1914 County Route 35, PO Box 57
Milford, NY 13807
607-286-7715, ext. 2224



BOARD ADDENDA

Wednesday, October 10, 2018
11:30 p.m. - ETC Room

Otsego Area Occupational Center
Milford, New York 13807

The Mission of the Otsego Northern Catskills BOCES is:

To provide leadership and support systems through teamwork with the component districts to enhance student outcomes and lifelong learning.

Adopted: May 20, 1991

12:00 Audit Committee Meeting

I. OPENING OF MEETING

A. ROLL CALL & QUORUM CHECK

B. PLEDGE OF ALLEGIANCE

C. CALL TO ORDER

D. STRATEGIC PLANNING: WORKING RELATIONSHIPS BETWEEN ONC BOCES AND COMPONENT DISTRICTS

E. ADDITIONS TO AGENDA

F. APPROVAL OF CONSENT AGENDA ITEMS

(Note: If a board member believes that any item on the consent agenda requires discussion or a separate vote, the board member may request that the item be removed from the consent agenda and placed on the regular agenda for consideration.)

1. Minutes from September 12, 2018 Meeting- Attachment #1
2. Monthly Reports - Attachment #2
3. Budgetary Transfers - Attachment #3
4. Claims Auditor Report – Attachment #4

G. EXAMINATION OF WARRANTS

H. PUBLIC COMMENT

II. **REPORTS**

A. KEVIN STEVENS, ADULT EDUCATION & ALTERNATIVE EDUCATION

B. DISTRICT SUPERINTENDENT REPORT

- NCOC 50th Anniversary
- Licenced Teaching Assistants
- Systems of Care Grant
- Transportation Collaboration
- Public Comment Policy Discussion

C. DEPUTY SUPERINTENDENT REPORT

- Audit Committee Recommendation Regarding CASEBP Audit Report (Lynn Chase)

D. DIRECTORS' REPORT

- Joe Booan, Assistant Superintendent, Student Programs
- Anne Pallischeck, Director, Instructional Support Services; Interim Itinerant Services Supervisor

II. **NEW BUSINESS**

A. PERSONNEL - Attachment #5

B. APPROVAL OF CONSENT AGENDA ITEMS

(Note: If a board member believes that any item on the consent agenda requires discussion or a separate vote, the board member may request that the item be removed from the consent agenda and placed on the regular agenda for consideration.)

- C. Financing of Technology Equipment – Cooperstown CSD
- D. Resolution to Approve 2018-19 Transportation Contracts
- E. Resolution to Accept the 2017-2018 CASEBP Audit Report
- F. Resolution to Declare Surplus Equipment
- G. Approval – BOCES Wide Safety Committee/Building Safety Teams 2018-2019
- H. Resolution to Approve SRO Agreement With Otsego County Sheriff's Office
- I. Approval of Study Grants- Attachment #6

Consent C. FINANCING OF TECHNOLOGY EQUIPMENT – COOPERSTOWN CSD

Resolved that ONC BOCES authorizes the financing of technology equipment through an Installment Purchase Agreement that is in compliance with General Municipal Law 109-b, with M & T Bank and/or wholly owned subsidiaries of Manufacturers and Traders Trust Company (its nominees, assigns or affiliates). The length of the agreement would be for a period of 5 years at an estimated total cost of \$65,760. (This total cost will include the purchase price (\$59,508.00) and estimated financing cost (\$6,251.79))

Consent D. RESOLUTION TO APPROVE 2018-19 TRANSPORTATION CONTRACTS

Whereas, the Otsego Northern Catskills BOCES desires to provide transportation for field trips for students enrolled in the CTE and Special Education Programs at their Occupational Centers, and

Whereas, Laurens Central School has agreed to provide transportation under The State Education Department, Transportation Unit contract TC, effective September 1, 2018 through June 30, 2019 at the rate of \$21.00/hr plus \$1.10/mile, with the total anticipated annual cost equal to \$4,875, and

Whereas, Schenevus Central School has agreed to provide transportation under The State Education Department, Transportation Unit contract TC, effective September 1, 2018 through June 30, 2019 at the rate of \$19.25/hr plus \$1.20/mile, with the total anticipated annual cost equal to \$4,000, and

Whereas, Cherry Valley-Springfield Central School has agreed to provide transportation under The State Education Department, Transportation Unit contract TC, effective September 1, 2018 through June 30, 2019 at the rate of \$20.60/hr plus \$1.03/mile, with the total anticipated annual cost equal to \$19,750, and

Resolved, the Otsego Northern Catskills BOCES Board of Education does hereby approve the transportation contracts for the rates and terms shown above.

Consent E. RESOLUTION TO ACCEPT THE 2017-2018 CASEBP AUDIT REPORT

Upon the recommendation of the Audit Committee, the Otsego Northern Catskills BOCES does hereby accept the 2017-18 CASEBP Audit Reports as presented and reviewed by Patrick Powers, D'Arcangelo & Company.

Consent F. RESOLUTION TO DECLARE SURPLUS EQUIPMENT

Whereas, the Otsego Northern Catskills BOCES does not wish to retain the following list of equipment or components below, as the items are obsolete, no longer functional or operational,

Resolved, that the Otsego Northern Catskills BOCES Board of Education declares the following equipment as surplus in accordance with Board Policy #6900 and will be disposed of accordingly.

NCOC/OAOC:

<u>TAG #</u>	<u>DESCRIPTION</u>	<u>ACQUISITION DATE</u>
005413	SAW ARBOR CABT BASE 10IN	1/1/1968
013575	SAW TABLE	7/1/2008
015125	G0690 10 IN CABINET TABLE SAW	7/1/2011
AK3749	2002 FORD SILVER F350 TRUCK 4X4, VIN #8534	1/1/2003
AK3750	2003 FORD RED F250 TRUCK 4X4, VIN #4489	1/1/2003
AK3754	2006 BLUE GRAND CHEROKEE, VIN #0382	1/1/2007
AK3756	2007 CHEVROLET UPLANDER GOLD VAN, VIN #5528	1/1/2007

Oneonta Middle School:

<u>TAG #</u>	<u>DESCRIPTION</u>	<u>ACQUISITION DATE</u>
012109	PROJECTOR	1/1/2008
015818	HP CP4525DN PRINTER FOR HS LIBRARY	7/1/2012
015819	HP CP4525DN PRINTER FOR CAD LAB 401	7/1/2012

Consent G. **APPROVAL – BOCES WIDE SAFETY COMMITTEE/BUILDING SAFETY TEAMS 2018-2019**

BOCES WIDE SAFETY COMMITTEE MEMBERS:

Deputy Superintendent:	Jennifer Bolton
Safety Risk Officer:	Josh Reiss
Assistant Superintendent of Student Programs:	Joe Booan
Director of Facilities	Vincent Wojciechowski
Principal – OAOC:	Ryan DeMars
Principal – NCOC:	Mitchell Rapp
Non-Instructional – OAOC:	Lori Graves, Michael Culligan
Non-Instructional – NCOC:	Ann Clark, James Snyder, Rich Martin

Instructional – OAOC:
Instructional – NCOC:

Jim Calhoun
Laurie Darfler-Sweeney,
Kellie LaCoppola

**NORTHERN CATSKILLS OCCUPATIONAL CENTER BUILDING SAFETY
COMMITTEE :**

Deputy Superintendent:
Safety Risk Officer:
Non-Instructional Staff Members:

Jennifer Bolton
Josh Reiss
Adam Baldanza, Ellen Kennedy,
Rich Martin, Ann Clark
Jake Boyle, Laurie Darfler-Sweeney,
Craig Tucker

Instructional Staff Members:

Deb Burroughs
Kellie LaCoppola

Crisis Intervention Specialist:
School Counselor:
Assistant Superintendent of Student Programs:
Principal:
Director of Facilities
Building Maintenance Worker:
Nurse:
Fire Chief/Assistant Chief
Civic Center
Constable:
Student:
Parent:

Joe Booan
Mitchell Rapp
Vincent Wojciechowski
James Snyder
Jonathan DeGarmo
DJ Speenburgh, Wink Hinkley
Tom Hynes
Steve Williamson
Scott Ballard
Lynette Sweat

**OTSEGO AREA OCCUPATIONAL CENTER BUILDING SAFETY
COMMITTEE:**

Deputy Superintendent:
Safety Risk Officer:
Non-Instructional Staff Members:
Instructional Staff Members:
Assistant Superintendent of Student Programs:
Principal:
Assistant Principal:
Director of Facilities
Building Maintenance Worker:
Nurse:
CTS Instructor:
Counselor:
NYS Trooper:
Milford Fire Chief:
Student:
Parent:

Jennifer Bolton
Josh Reiss
Lori Graves, Susan Gates
Jody Albano, Jim Calhoun, Robin Bush
Joe Booan
Ryan DeMars
Kevin Stevens
Vincent Wojciechowski
Michael Culligan
Charity Burton
Betsey Clark
Kristen Shultz
Trooper Snyder
Donnie Eckler
TBD
TBD

Consent H. RESOLUTION TO APPROVE SRO AGREEMENT WITH OTSEGO COUNTY SHERIFF'S OFFICE

Whereas, the Otsego Northern Catskills BOCES desires to enter into an agreement with the Otsego County Sheriff's Office for providing School Resource Officer (SRO) services, and

Whereas, the Otsego County Sheriff's Office, Cooperstown, NY, has agreed to provide the above services for the annual cost of \$85,000 effective September 4, 2018 to August 31, 2019, agreeing to the terms and conditions of the agreement,

Resolved, the Otsego Northern Catskills BOCES Board of Education does hereby approve the agreement and amount set forth above.

Consent I. APPROVAL OF STUDY GRANTS- Attachment #6

Addenda J. ACCEPTANCE OF DONATION/GIFT

Whereas, the ONC BOCES Otsego Area Occupational Center received a donation of a gold 2007 Ford 500 sedan to the Automotive Technology program, Vin #4801 with an estimated value of \$1,746, and

Be it resolved, the Otsego Northern Catskills Board of Education does hereby accept this donation.

Addenda K. FIRST READING OF BOARD POLICY #0110. SEXUAL HARASSMENT. ACCOMPANYING REGULATION AND EXHIBIT- Attachment # 7.

L. PUBLIC COMMENTS

M. INFORMATION ITEMS

IV. ADJOURNMENT

/ao

10/9/18

Attachments

Addition to Addenda:

***Addenda* L. RESOLUTION TO ACCEPT THE 2017-2018 EXTRA CLASS ACCOUNT
ACTIVITY AUDIT CORRECTIVE ACTION PLAN**

Upon the recommendation of the Audit Committee, the Otsego Northern Catskills BOCES does hereby accept the 2017-18 Extra Class Account Activity Audit Corrective Action Plan.

ATTACHMENT# 5

HUMAN RESOURCES ATTACHMENT

BOCES BOARD ADDENDA

OCTOBER 10, 2018

RESOLVED, that the Board of Cooperative Education, upon the recommendation of the District Superintendent does hereby approve the following:

UNCLASSIFIED APPOINTMENT							
Name	Dept.	Position	Appointment	Effective	Tenure Area	Certification	Salary
Suzanne Czechowski	IT	Special Education Teacher	Full-time, 10-month, Teachers Unit Position, 4-year Probationary Appointment	*9/24/2018 - 9/23/2022	Special Subject: General Special Education	Students with Disabilities: Grades 1-6	\$44,820.00 prorated to the effective date
Jennifer Hobbs	IP	School Counselor	Full-time, 10-month, Teachers Unit Position, 4-year Probationary Appointment	*11/1/2018 - 10/31/2022	Special Subject: School Counseling and Guidance	School Counselor: Provisional	\$46,363.00 prorated to the effective date

*Effective date noted as above unless extended in accordance with the law. This expiration date is tentative and conditional only. Except to the extent required by applicable provisions of Section 3012³ of the Education Law, in order to be granted tenure the teacher/administrator must receive composite or overall annual professional performance review ratings pursuant to Section 3012-c and/or 3012-d of the Education Law of either effective or highly effective in at least three (3) of the four (4) preceding years, and if the teacher/administrator receives an ineffective composite or overall rating in the final year of the probationary period, the teacher/administrator shall not be eligible for tenure at that time.

Note: Employment is contingent upon clearance from the State Education Department to comply with the fingerprinting provisions of Project Save.

UNCLASSIFIED APPOINTMENT- Support Unit							
Name	Dept.	Position	Appointment	Effective	Tenure Area	Certification	Salary
Kimberly Carr	IP	Licensed Teaching Assistant	Full-time, 10-month, 6 hour work day, ESPA Unit Position, 4-year Probationary Appointment	*10/11/2018 - 10/10/2022	Special Subject: Licensed Teaching Assistant	Teaching Assistant, Level I	\$14,820.00 prorated to the effective date
Heather Wood	IP	Licensed Teaching Assistant	Full-time, 10-month, 6 hour work day, ESPA Unit Position, 4-year Probationary Appointment	*10/11/2018 - 10/10/2022	Special Subject: Licensed Teaching Assistant	Teaching Assistant, Level I	\$14,420.00 prorated to the effective date

*Effective date noted as above unless extended in accordance with the law. This expiration date is tentative and conditional only. Except to the extent required by applicable provisions of Section 3012³ of the Education Law, in order to be granted tenure the teacher/administrator must receive composite or overall annual professional performance review ratings pursuant to Section 3012-c and/or 3012-d of the Education Law of either effective or highly effective in at least three (3) of the four (4) preceding years, and if the teacher/administrator receives an ineffective composite or overall rating in the final year of the probationary period, the teacher/administrator shall not be eligible for tenure at that time.

Note: Employment is contingent upon clearance from the State Education Department to comply with the fingerprinting provisions of Project Save.

CLASSIFIED APPOINTMENTS - Non-Unit Support					
Name	Dept.	Position	Appointment Type	Effective	Salary
Robert Kaplow	Technology Services	Communication Specialist	Full-time, 12-month, 7.5 hour day, Non-Unit Support, Provisional, Competitive Civil Service Position	10/4/2018	\$50,000.00 prorated to the effective date
Carly Jones	IT	Physical Therapist	Full-time, 10-month, 6.5 hour work day, ESPA Unit Position, Provisional Civil Service Position	11/13/2018	\$65,000.00 prorated to the effective date

Note: Employment is contingent upon clearance from the State Education Department to comply with the fingerprinting provisions of Project Save.

MISCELLANEOUS APPOINTMENTS

Name	Appointment	Position	Effective	Compensation
Danielle Denny	CASSC	Instructor, Enrichment Seminar Program	10/3/2018 - 11/10/2018	\$60.00 per Saturday & \$100.00 prep work Max. of \$340.00
Theodore J. Smith	Casual Employee	Data Specialist & Program Services	10/13/2018 - 8/30/2019	\$750.00 site visit, \$100.00/webinar, Program service fee based on district size (enrollment per student cost) Mileage reimbursement per IRS rate Max. of \$10,000.00
Kristen Shultz	CTE/Annual Appointment Club	Advisor - College for Every Student	9/1/2018 - 6/30/2019	\$600.00
Natasha Nirschl	CTE/Annual Appointment Club	Advisor - College for Every Student	9/1/2018 - 6/30/2019	\$600.00
Cressa Dovigh	Temporary	Substitute	10/11/2018 - 8/31/2019	As per board policy or rate per contract
Robert Sumner	Temporary	Substitute	10/11/2018 - 8/31/2019	As per board policy or rate per contract
Jordyn Fisher	Temporary	Substitute	10/11/2018 - 8/31/2019	As per board policy or rate per contract
Natiqua Morton	Temporary	Substitute	10/11/2018 - 8/31/2019	As per board policy or rate per contract
Fariba Pirahani	Temporary	Substitute	10/11/2018 - 8/31/2019	As per board policy or rate per contract
Jennifer Glacomelli	Temporary	Substitute	10/11/2018 - 8/31/2019	As per board policy or rate per contract
Zane Miller	Temporary	Substitute	10/11/2018 - 8/31/2019	As per board policy or rate per contract
Camilla Obermeyer	Temporary	Substitute	10/11/2018 - 8/31/2019	As per board policy or rate per contract
Craig Tucker	Casual Employee	CDL Driver	10/1/2018 - 6/30/2019	\$25.00/hour
Harold Couse	Casual Employee	CDL Driver	10/1/2018 - 6/30/2019	\$25.00/hour Max. of 300.00 hours
Leslie Bush	Casual Employee	Coaching Course Instructor	9/1/2018 - 6/30/2019	\$26.00/hour Max. of \$1,400.00
Frederic Weingarten	Casual Employee	ISS Workshop Presenter	10/10/2018 - 6/30/2019	Max. of \$1,000.00 including workshop, mileage and lodging

MISCELLANEOUS APPOINTMENTS				
Name	Appointment	Position	Effective	Compensation
<i>James Cimko</i>	<i>Casual Employee</i>	<i>Adult Education Instructor</i>	<i>7/1/2018 - 8/28/2018</i>	<i>\$25.00/hour Max. of \$2,600.00 Revised from the June 13, 2018 board meeting</i>
<i>Cynthia Struckle</i>	<i>Casual Employee</i>	<i>Adult Education - Pre Licensing Support</i>	<i>7/1/2018 - 6/30/2019</i>	<i>\$25.00/hour Max. of \$600.00</i>
<i>Lauren Bloss</i>	<i>Volunteer</i>	<i>SUNY Oneonta Student Intern</i>	<i>Fall Semester</i>	<i>Unpaid Volunteer</i>

Note: Employment is contingent upon clearance from the State Education Department to comply with the fingerprinting provisions of Project Save.

MISCELLANEOUS SUMMER APPOINTMENTS			
Name	Position	Days	Compensation
Reena LaSalle	Substitute	Max. of 4 workshop days	Per Diem
Patricia Hornbeck	Health Occupations Teacher	Max. of 16.5 days (5 Curriculum, 11.5 Per Diem) Revised from the June 13, 2018 board	Curriculum \$200.00/day Per Diem
Jennifer Flores	Network Team/Staff Developer	Max. of 21 days Revised from the June 13, 2018 board	Per Diem

CHANGE IN POSITION						
Employee	Title	Dept.	Current Salary	New Salary	Tenure	Effective
Jason Sanchez	Current Title: Innovative Programs Administrator New Title: Director of Special Education Services	IP	\$85,078.00	\$90,000.00 Prorated to the effective date	Probationary through 8/7/2020 - Administration: Director of Special Education Services	8/8/2018

LEAVE OF ABSENCES			
Name	Position	Reason	Effective
Laura Bouton	School Counselor	Medical Leave - paid & unpaid	9/19/2018 - 1/11/2019
Jennifer Muthig	Licensed Teaching Assistant	Family Medical Leave - paid and unpaid	10/9/2018 - 10/12/2018

Determination and approval pending for the following: (1) paid or unpaid leave (2) health insurance premium repayment as per ESPA Contract.

TENURE APPOINTMENTS		
Name	Tenure Area	Effective
Adam Bonci	Occupational Subject: Trade Subject: Vehicle Mechanical Repair (Including Heavy Equipment Repair) 7-12	10/11/2018

SEXUAL HARASSMENT

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

Sexual harassment is a form of sex discrimination and is unlawful under federal, state, and (where applicable) local law. Sexual harassment includes harassment on the basis of actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status. ~~Sex-based harassment can be comprised of two types of behavior: sexual harassment and/or gender-based harassment. Sexual harassment is unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature (see regulation 0110-R for examples). Gender-based harassment includes verbal, nonverbal or physical aggression, intimidation or hostility that is based on actual or perceived gender and sexual stereotypes (see regulation 0110-R for examples). Sexual or gender-based 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 sex, when:

- a. submission to that conduct is made either explicitly or implicitly a term or condition of an individual's employment or a student's education;*
- b. submission to or rejection of such conduct is used as the basis for decisions affecting an individual's employment or a student's education; or*
- c. the conduct has the purpose or effect of unreasonably interfering with an employee's or "non-employee's" work or student's school performance or creating an intimidating, hostile or offensive work or 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-R).

The Board is committed to providing an educational and working environment that promotes respect, dignity and equality and that is free from all forms of sexual harassment. The Board condemns and strictly prohibits all forms of sexual harassment at BOCES facilities, on school buses, at all BOCES-sponsored activities, programs and events regardless of the location or outside the school setting if the harassment impacts the individual's education or employment in a way that violates their legal rights, ***including when employees and "non-employees" travel on district business, or when harassment is done by electronic means (including on social media). For employees, sexual harassment is considered a form of employee misconduct. Sanctions will be enforced against all those who engage in sexual harassment, and against supervisory and managerial personnel who knowingly allow such behavior to continue or engage in retaliation.***

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.

While this policy is specific to sexual harassment, other forms of harassment based upon race, creed, national origin, religion or sexual orientation are also prohibited. Complaints of all types of harassment will be handled in the same manner as specified in this policy and regulation.

Under various state and federal laws, students, employees and "non-employees" have legal protections against sexual harassment in the school environment as described above. ***Those laws are listed in the references section. Additionally, local laws (e.g., county, city, town, village) may apply to the BOCES.*** The BOCES' 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 BOCES 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, after appropriate investigation, the BOCES finds that a student, an employee, "non-employee" or a third party has violated this policy, prompt corrective action will be taken in accordance with the applicable collective bargaining agreement, contract, district policy and state law. Individual nondisclosure agreements may only be used as permitted by law, described in the accompanying regulation. Mandatory arbitration clauses are prohibited in all district contracts and agreements.

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 good faith belief 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 District Superintendent 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, 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.

This policy shall be posted in a prominent place in each district facility and shall also be published in student registration materials, student, parent and employee handbooks, and other appropriate BOCES publications.

Ref: Education Amendments of 1972, Title IX, 20 U.S.C. §1681 *et seq.*
Title VII of Civil Rights Act (1964), 42 U.S.C. §2000-e; 34 CFR §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)*

Adoption date: January 23, 2008

Revised: September 12, 2018; **October 10, 2018**

SEXUAL HARASSMENT REGULATION

This regulation is intended to create and preserve an educational and working environment free from unlawful sexual harassment on the basis of sex, gender and/or sexual orientation in furtherance of Otsego Northern Catskills Board of Cooperative Educational Services ("BOCES")'s commitment to provide a healthy and productive environment for all students, employees *(including all staff, applicants for employment, both paid and unpaid interns, exempt and non-exempt status, part-time, seasonal, and temporary workers, regardless of immigration status)* and "non-employees" (i.e., contractors, subcontractors, vendors, consultant and other persons providing services pursuant to a contract, or their employees) that promotes respect, dignity and equality.

Sexual Harassment Defined

Sexual harassment 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 actual or perceived or self-identified sex, sexual orientation, gender identity, gender expression, and transgender status.

"Sexual harassment" ~~means includes~~ *unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature which is either of a sexual nature, or which is directed at an individual because of that individual's sex, gender, or sexual orientation, when:*

1. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of an employee's or "non-employee's" employment or a student's education (including any aspect of the student's participation in BOCES-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 a ~~factor~~ *the basis* in decisions affecting an employee's or "non-employee's" employment or a student's education; or
3. the conduct or communication has the purpose or effect of substantially or unreasonably interfering with an employee's or "non-employee's" work performance or a student's academic performance or participation in BOCES-sponsored activities, or creating an intimidating, hostile or offensive working or educational environment, *even if the complaining individual is not the intended target of the sexual harassment.*

Unacceptable Conduct

Conduct that the Board 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, promotions, preferences, favors, selection for extracurricular activities or job assignments, homework, etc., *or when accompanied by implied or overt threats concerning the target's work or school evaluations, other benefits or detriments*;
3. unwelcome ~~and~~ *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 preference;
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," "mooning," "snuggies" or "wedgies" (pulling underwear up at the waist so it goes in between the buttocks), bra-snapping, skirt "flip-ups," "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 sex, sexual orientation, gender identity or transgender status, such as interfering with, destroying or damaging a person's work or school area or equipment; sabotaging that person's work or school activities; bullying, yelling, or name calling; or otherwise interfering with that person's ability to work or 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 during class projects, physical education classes or field trips because of the individual's sex, gender expression or gender identity;
- c. taunting or teasing an individual because they are participating in an activity not typically associated with the individual's sex or gender

For purposes of this regulation, action or conduct shall be considered "unwelcome" if the student, ~~or employee or "non-employee"~~ did not request or invite it and regarded the conduct as undesirable or offensive. ~~In addition, in the remainder of this regulation, the term sexual harassment will refer to both sexual and gender-based harassment.~~

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 BOCES, or outside the school setting if the harassment impacts the individual's education or employment in a way that violates their legal rights, including when employees or "non-employees" travel on BOCES business, or 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), unacceptable behavior must be sufficiently severe, pervasive and objectively offensive to be considered sexual harassment.

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 or "non-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 another student or a co-worker);
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 BOCES; and
8. incidents of gender-based, but non-sexual harassment.

Reporting Complaints

Any person who believes he or she has been the target of sexual harassment by a student, BOCES employee, "non-employee's" or third party related to the BOCES is ~~required~~ *encouraged* to report complaints as soon as possible after the incident in order to enable the BOCES to *promptly and effectively* investigate and resolve the complaint. *Any person who witnesses or is aware of sexual harassment of a student, employee, or "non-employee" is also encouraged to report the incident or behavior to the BOCES.* ~~Targets~~ *Targets* are encouraged to submit the complaint in writing; however, complaints may be filed verbally.

Complaints should be filed with the Deputy Superintendent and in cases involving students, the Building Principal(s) or Program Director(s), as the Compliance Officers to receive reports or complaints of harassment. Only if the complaint involves any of the Compliance Officers shall the complaint be filled directly with the District Superintendent.

Any BOCES 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 BOCES administration, and then shall immediately notify the Building Principal(s) or Program Director(s). *School employees receiving complaints of sexual harassment from employees and "non-employees" shall either direct the complainant to the Building Principal, or may report the incident themselves. Supervisory and managerial personnel are required to report complaints of sexual harassment received by staff, and will be subject to discipline for failing to report suspected or reported sexual harassment, knowingly allowing sexual harassment to continue, or engaging in any retaliation.*

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 the policy of the BOCES to respect the privacy of all parties and witnesses to complaints of sexual harassment. To the extent possible, the BOCES 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 BOCES '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 BOCES 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 BOCES's ability to respond to his/her complaint;
2. BOCES policy and federal law prohibit retaliation against complainants and witnesses;
3. the BOCES will attempt to prevent any retaliation; and
4. the BOCES 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 BOCES from responding effectively to the harassment and preventing the harassment of other students, employees or "non-employee's".

Investigation and Resolution Procedure

A. Initial (Building-level) Procedure

The Building Principal(s) or Program Director(s) or designee 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 Building Principal(s) or Program Director(s) or designee 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. ***All persons involved in an investigation (complainants, witnesses and alleged harassers) will be accorded due process to protect their rights to a fair and impartial investigation. This investigation shall be prompt and thorough, and shall be completed as soon as possible.***

As soon as possible Immediately, but no later than three working days following receipt of a complaint, the Building Principal(s) or Program Director(s) or designee ~~should~~ ***shall*** 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 BOCES social workers, psychologists, crisis team managers, other BOCES 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~~ ***ask*** 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 Building Principal(s) or Program Director(s) shall complete a complaint form (see exhibit 0110-E) 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. *Employees may be required to cooperate as needed in investigations of suspected sexual harassment.*
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 BOCES 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. Parent/Student/Employee/"Non-Employee" Involvement and Notification
 - a. Parents 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 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 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 Building Principal(s) or Program Director(s) (i.e., the investigator) shall submit a copy of all investigation and interview documentation to the District 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 him/her.

- f. The investigator shall notify the target that if he/she desires further investigation and action, he/she may request a BOCES level investigation by contacting the District Superintendent. 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 District Superintendent, who shall then take prompt disciplinary action in accordance with BOCES policy, the applicable collective bargaining agreement or state law.

If a complaint received by the Compliance Officer or designee 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 shall be referred promptly to the District Superintendent. In addition, where the Compliance Officer or designee has a reasonable suspicion that the alleged harassment involves criminal activity, he/she should immediately notify the Superintendent, who shall then contact appropriate child protection and law enforcement authorities. Where criminal activity is alleged or suspected by a BOCES employee, the accused employee shall 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 Compliance Officer or designee may request a BOCES-level investigation by submitting a written complaint to the District Superintendent within 30 days.

B. BOCES-level Procedure

The District Superintendent shall promptly investigate and resolve all sexual harassment complaints that are referred to him/her by a Compliance Officer or designee, as well as those appealed to the Superintendent following an initial investigation by a Compliance Officer or designee. In the event the complaint of sexual harassment involves the District Superintendent, the complaint shall be filed with or referred to the BOCES Board President, who shall refer the complaint to a trained investigator not employed by the BOCES for investigation.

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

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

If a BOCES investigation results in a determination that sexual harassment did occur, prompt corrective action will be taken to end the harassment. Where appropriate, BOCES 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 District Superintendent (or in cases involving the District 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 District 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.~~

External Remedies

In addition, targets have the right to register sexual harassment complaints with the U.S. Department of Education's Office for Civil Rights (OCR). 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>.

Employee targets also have the right to register complaints with the federal Equal Employment Opportunity Commission and the New York State Division of Human Rights (DHR). *The EEOC can be contacted at (800) 669-4000, <https://www.eeoc.gov/employees/howtofile.cfm>, info@eeoc.gov, or at 33 Whitehall Street, 5th Floor, New York, NY 10004 or 300 Pearl Street, Suite 450, Buffalo, NY 14202. 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 shall be construed to limit 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, which may constitute a crime.* No BOCES contract or collective bargaining agreement entered into after July 11, 2018 may include a binding arbitration clause for sexual harassment requiring arbitration before bringing the matter to a court.

Nondisclosure Agreements

The BOCES may include nondisclosure agreements (to not disclose the underlying facts and circumstances of a sexual harassment complaint) in any sexual harassment settlement agreement or resolution only if it is the complainant's preference. Any such nondisclosure agreement shall be provided to all parties. Complainants shall have twenty-one days to consider any such nondisclosure provision before it is signed by all parties, and shall have seven days to revoke the agreement after signing. Nondisclosure agreements shall only become effective after this seven-day period has passed.

Retaliation Prohibited

Any act of retaliation against any person who opposes sexually harassing behavior, or who has filed a complaint *in good faith*, 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

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 BOCES 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. contactors, 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 BOCES business.

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

False Complaints

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

Training

All students and employees shall be informed of this policy in student and employee handbooks and student registration materials. A poster summarizing the policy shall also be posted in a prominent location at each BOCES location.

All new employees shall receive ~~information about~~ *training on* this policy and regulation at new employee orientation *or as soon as possible after starting their job, unless he/she can demonstrate that they have received equivalent training within the past year from a previous employer.* All other employees shall be provided ~~information~~ *training* at least once a year regarding this policy and the BOCES 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.

Annual employee training programs shall include *be interactive and:* (i) an explanation of sexual harassment consistent with guidance issued by the NYS Department of Labor and the NYS Division of Human Rights; (ii) examples of conduct that is unlawful sexual harassment; (iii) information on federal and state laws about sexual harassment and remedies available to targets of sexual harassment; (iv) information concerning employees' right to make complaints and all available forums for investigating complaints; *and (v) address the conduct and responsibilities of supervisors.*

The District Superintendent 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: January 23, 2008

Revision date: August 31, 2010; September 12, 2018; *October 10, 2018*

SEXUAL HARASSMENT EXHIBIT

Complaint Form For Reporting Sexual Harassment

New York State Labor Law requires all employers to adopt a sexual harassment prevention policy that includes a complaint form for targets to report alleged incidents of sexual harassment. This form is intended to be used by both students and employees.

If you believe that you have been subjected to sexual harassment, you are encouraged to complete this form to the best of your ability and submit it to the Deputy Superintendent and in cases involving students, the Building Principal(s) or Program Director(s). You will not be retaliated against for filing a complaint.

If you are more comfortable reporting verbally or in another manner, the BOCES should complete this form, provide you with a copy and follow its sexual harassment prevention policy by investigating the claims as outlined at the end of this form. For additional resources, visit: <https://www.ny.gov/programs/combating-sexual-harassment-workplace>

YOUR INFORMATION (for all persons making a complaint)

Your Name:

Name of student (for parents/guardians):

Home Address:

Home or Cell Phone:

Email:

School (for students):

Grade/Class (for students):

Work Address (for employees):

Work Phone (for parents/guardians/employees):

Job Title (for employees):

Preferred Communication Method (please select one): phone, email, mail, in person

SUPERVISOR INFORMATION (for employees)

Immediate Supervisor's Name:

Title:

Work Phone:

Work Address:

COMPLAINT INFORMATION (for all persons making a complaint)

1. Your complaint of Sexual Harassment is made against:

Name:

Job Title (if an employee):

Grade/Class (if a student):

School Address/Work Location (if known):

Phone (if known):

Relationship to you (please circle one below):

(for employees)

Supervisor / Subordinate / Co-Worker / Student / Other:

(for students)

Teacher / Other staff member / Other Student / Other:

(Please use additional sheets of paper if the complaint is against multiple people.)

2. Please describe what happened and how it is affecting you and your work or education. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.

3. Date(s) and location(s) sexual harassment occurred: _____

Is the sexual harassment continuing? ____ Yes ____ No

4. Please list the name and contact information (if known) of any witnesses or individuals who may have information related to your complaint:

The following question is optional, but may help the district's investigation.

5. Have you previously complained about or provided information (verbal or written) about sexual harassment or related incidents to the district? ____ Yes ____ No

If yes, when and to whom did you complain or provide information?

If you have retained legal counsel and would like us to work with them, please provide their contact information.

Print Name: _____

Signature: _____

Date: _____

Instructions for the BOCES

If you receive a complaint about alleged sexual harassment, you must follow the BOCES' sexual harassment prevention policy by investigating the allegations through actions including:

- Speaking with the complainant
- Speaking with the alleged harasser
- Interviewing witnesses
- Collecting and reviewing any related documents

While the process may vary from case to case, all allegations should be investigated promptly and resolved as quickly as possible. The investigation should be kept confidential to the extent possible.

Document findings of the investigation and basis for your decision along with any corrective actions taken, and notify the complainant (if the complainant is a student, also notify the parent/guardian) and the individual(s) against whom the complaint was made. This may be done via email.

Adoption date: October 10, 2018

