Monroe 2-Orleans BOCES Policy
Series 6000 – Students
Policy #6440 – SEXUAL HARASSMENT (STUDENTS)

The Board affirms its commitment to non-discrimination and recognizes its responsibility to provide for all BOCES students an environment that is free of sexual harassment, intimidation, and sexual violence. Sexual harassment is a violation of law and stands in direct opposition to BOCES policy. Therefore, the Board prohibits all forms of sexual harassment by employees and students. Generally, sexual harassment includes sexual violence and is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when:

a) Submission to sexually harassing behavior is a condition for the successful completion of any course of study or educational and extracurricular activity, including the acceptance into or rejection from such course or activity;

b) Conditions exist within the school environment that allow or foster obscene pictures, lewd jokes, sexual advances, requests for sexual favors or other harassing activities of a sexual nature;

c) Such conduct has the purpose or effect of unreasonably interfering with a student's academic performance or participation in an educational or extracurricular activity, or creating an intimidating, hostile or offensive learning environment.

The BOCES acknowledges that in determining whether sexual harassment has occurred, the perspective of the victim as well as the offender's conduct and/or intention should be evaluated.

Any student who believes that they have been subjected to sexual harassment shall report all incidents of such conduct to the BOCES designated complaint officer through informal and/or formal complaint procedures developed by the BOCES. In the event that the complaint officer is the offender, the complainant shall report their complaint to the next level of supervisory authority. A complaint officer of each gender will be available to the student.

Upon receipt of an informal/formal complaint, the BOCES will conduct a thorough investigation of the charges. Based upon the results of the BOCES investigation, immediate corrective action will be taken. Should the offending individual be a BOCES employee, appropriate disciplinary measures will be applied, up to and including termination of the offender's employment in accordance with contractual and legal guidelines. Should the offending individual be a student, appropriate disciplinary measures will be applied, up to and including suspension/expulsion.

To the extent possible, within legal constraints, all complaints will be treated as confidentially and privately as possible. However, disclosure may be necessary to complete a thorough investigation of the charges, and any disclosure will be provided on a “need to know” basis.

As part of the investigation, the BOCES has the right to search all school property and equipment including BOCES computers. Rooms, desks, cabinets, lockers, computers, etc. are provided by the BOCES for the use of students and staff, but the users do not have exclusive use of these locations or equipment and should not expect that materials stored therein will be private.

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The BOCES prohibits any retaliatory behavior directed against complainants and/or witnesses. Follow-up inquiries shall be made to ensure that harassment has not resumed and that the victims and/or witnesses have not suffered retaliation.

Regulations will be developed for resolving sexual harassment or sexual violence complaints by students. The Superintendent/designee(s) shall affirmatively discuss the topic of sexual harassment with all employees and students, express the BOCES condemnation of such conduct and explain the sanctions for harassment. A copy of this policy and its accompanying regulations shall be available upon request to all employees and students, and may be posted at various BOCES locations and/or buildings.

BOCES recognizes that any allegation(s) under this policy may also be a violation of the Dignity for All Students Act, see policy 6462.

Title IX of the Education Amendments 1972, 20 United States Code (U.S.C.) Section 1681 et seq.

See also Policy and Regulation 6462.

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