

MONROE COUNTY SCHOOL BOARDS ASSOCIATION



Sexual Harassment Policy

SUBJECT: ANTI-SEXUAL HARASSMENT OF ASSOCIATION EMPLOYEES

Monroe County School Boards Association affirms its commitment to non-discrimination and to an environment that is free of sexual harassment and intimidation. Sexual harassment is a violation of law and stands in direct opposition to Association policy. The MCSBA Association prohibits and condemns all forms of sexual harassment by employees, and non-employees such as Officers, Association Members and vendors at all MCSBA events, programs and activities including those that take place at locations outside of the MCSBA office, meeting locations and/or in another city, town, village, state and/or country. Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, acts of sexual violence, and other verbal or physical conduct of a sexual nature when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment; or
- b) Submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting such individuals; or
- c) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail); and other physical, verbal, or visual conduct of a sexual nature.

The MCSBA Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances must be evaluated. The Board recognizes that sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from co-workers as well as supervisors, and from a third party such as an MCSBA visitor, volunteer, or vendor, or any other individual associated with the Association.

In order for the MCSBA Board to enforce this policy, and to take corrective measures as may be necessary, it is essential that any employee or other individual who believes he/she has been a victim of sexual harassment in the work environment, as well as any other person who is aware of and/or who has knowledge of and/or witnesses any possible occurrence of sexual harassment, immediately report such alleged harassment to the MCSBA designated complaint officer(s) through informal and/or formal complaint procedures as developed by the Association. Such complaints are recommended to be in writing, although verbal complaints of alleged sexual harassment will also be promptly, thoroughly, and impartially investigated in accordance with the terms

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of this policy. In the event that the complaint officer is the alleged offender, the employee or other individual should report his/her complaint to the next level of supervisory authority. Contact information for the
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Association's designated complaint officer(s) may be found at the MCSBA office at 585-328-1972. The MCSBA Executive Director will be the complaint officer on behalf of the MCSBA Association and the MCSBA Association President will be the alternate complaint officer.

Upon receipt of an informal/formal complaint (including an anonymous complaint), the MCSBA Executive Director will conduct a thorough investigation of the charges. However, even in the absence of a complaint, if the Executive Director has knowledge of or has reason to know of or suspect any occurrence of sexual harassment, the Executive Director will investigate such conduct promptly, thoroughly, and impartially. The Executive Director will also take any/all interim steps that may be appropriate under the circumstances to protect the parties involved while the complaint is being investigated.

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. Based upon the results of the investigation, if the MCSBA Executive Director determines that an employee has violated the terms of this policy and/or accompanying regulations, the parties will be provided with appropriate notice of such determination and immediate corrective action will be taken, as warranted, up to and including termination of the offender's employment in accordance with legal guidelines, MCSBA policy and regulation. Third parties (such as members, visitors, vendors, etc.) who are found to have violated this policy and/or accompanying regulations will be subject to appropriate sanctions as warranted and in compliance with law. The Executive Director will also take appropriate steps to prevent the recurrence of sexual harassment.

Prohibition of Retaliatory Behavior

Complaints may be made without fear of reprisal. The MCSBA Association prohibits any/all retaliatory behavior directed against complainants, victims, witnesses, and/or any other individuals who participated in the reporting of alleged sexual harassment and/or in the investigation of a complaint of sexual harassment. Follow-up inquiries shall be made to ensure that harassment has not resumed and that all those involved in the investigation of the sexual harassment complaint have not suffered retaliation.

Finding That Harassment Did Not Occur

At any level/stage of investigation of alleged harassment, if a determination is made that harassment did not occur, the Complaint Officer will so notify the complainant, the alleged offender and the MCSBA Board of this determination. Such a finding does not preclude the complainant from filing an appeal pursuant to MCSBA policy or regulation and/or pursuing other legal avenues of recourse. In individual cases where a determination is made that harassment did not occur, the Executive Director still reserves the right to initiate staff awareness and

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(Continued)

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Finding That Harassment Did Not Occur (Cont'd.)

training, as is deemed appropriate, to help ensure that the Association employee is free from harassment in the workplace.

In all cases, the Executive Director will inform the MCSBA Board of the results of each investigation.

Knowingly Making False Accusations

Because of the damage that can be done to someone falsely accused, any individual who knowingly makes a false complaint or report of sexual harassment or sex discrimination will be subject to disciplinary action up to and including termination or expulsion in accordance with legal guidelines, MCSBA policy and regulations.

Development and Dissemination of Administrative Regulations

Regulations will be developed for reporting, investigating and remedying allegations of sexual harassment. An appeal procedure will also be provided to address any unresolved complaints and/or unsatisfactory prior determinations by the applicable complaint officer(s). Such regulations will be developed in accordance with federal and state law.

The MCSBA Executive Director will affirmatively discuss the topic of anti-sexual harassment with all employees, express the Association's condemnation of such conduct, and explain the sanctions for harassment. Training programs will be established for employees to help ensure awareness of the issues pertaining to sexual harassment in the workplace, and to disseminate preventative measures to help reduce such incidents of prohibited conduct.

A copy of this policy and its accompanying regulations will be available upon request and will be posted in the MCSBA office. The Association's policy and regulations on sexual harassment will be published on the MCSBA website.

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Adoption of this policy does not constitute a conclusive defense to charges of unlawful sexual harassment. Each claim of sexual harassment will be determined in accordance with existing legal standards, with due consideration of the particular facts and circumstances of the claim, including but not limited to the existence of an effective anti-harassment policy and procedure.

Approved: