

## SUBJECT: CODE OF ETHICS FOR ALL DISTRICT PERSONNEL

Section 1. Pursuant to the provisions of Section 806 of the General Municipal Law, the Board of Education of the Wallkill Central School District recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained in our unit of local government. It is the purpose of this local law to promulgate these rules of ethical conduct for the officers and employees of the District. These rules shall serve as a guide for official conduct of the officers and employees of the District. The rules of ethical conduct of this local law as adopted, shall not conflict with, but shall be in addition to any prohibition of Article Eighteen of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

Section 2. Definition. (a) "Municipal Officer or Employee" means an officer or employee of the Wallkill Central School District, whether paid or unpaid, including members of any administrative board, commission, or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer, except a chief engineer or assistant chief engineer. (b) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

*This policy shall also apply to agents of the District only in relation to the selection, award or administration of a contract supported by a Federal grant award.*

Section 3. Standards of Conduct. Every officer or employee of the Wallkill Central School District shall be subject to and abide by the following standards of conduct:

- (a) Gifts. He/she shall not, directly or indirectly, solicit any gift or accept or receive any gift having a value of twenty-five dollars or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise, or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, in any official action on his/her part.
- (b) Confidential Information. He/she shall not disclose confidential information acquired by him/her in the course of his/her official duties or use such information to further his/her personal interest.
- (c) Representation before one's own agency. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.



## By-Laws

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- (d) Representation before any agency for a contingent fee. He/she shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his/her municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of services rendered.
- (e) Disclosure of interest in legislation. To the extent that he/she knows thereof, a member of the Board of Education and any officer or employee of the Board of Education of Wallkill Central School, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Education of any legislation before the Board of Education shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.
- (f) Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial, or other private transaction, which creates a conflict with his/her official duties.
- (g) Private employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.
- (h) Future employment. He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Board of Education of the Wallkill Central School in relation to any case, proceeding, or application in which he/she personally participated during the period of his/her service or employment or which was under his/her active consideration.

Section 4. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Board of Education of Wallkill Central School, or any agency thereof on behalf of himself/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 5. Distribution/Posting of Code of Ethics. The Superintendent of the Board of Education of Wallkill Central School shall cause a copy of this code of ethics to be distributed to every officer and employee of the Board of Education within thirty (30) days after the effective date of this resolution. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his/her office or employment. The Superintendent shall also cause a copy of this policy to be kept posted in each building in the District in a place conspicuous to its officers and employees. Failure to distribute any such copy of this code of ethics or failure of any officer or employee to receive such copy, shall have no effect on the duty of compliance with such code, nor with the enforcement of provisions thereof.

Section 6. Penalties. In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment, as the case may be, in the manner provided by law.

Section 7. Effective Date. This resolution shall take effect immediately.



## SUBJECT: SEXUAL HARASSMENT: EMPLOYEES - WORKPLACE

### Preamble

The Board of Education affirms its commitment to provide an environment free from sex-based discrimination and sexual harassment, including sexual violence and intimidation. The Board, therefore, consistent with state, federal and any applicable local laws, prohibits all forms of sexual harassment against District personnel by employees, school volunteers, students, and non-employees, such as contractors, volunteers, visitors, consultants, and vendors, which occur on school grounds or at school-sponsored events, programs, or activities, including those that take place at locations off school premises. Any form of harassment by or against employees not covered by this policy will be dealt with under the normal administrative and disciplinary proceedings for employees and/or any other relevant policy. Such issues would be dealt with under District policy 1800 "Non-Discrimination (Employees)" and its accompanying regulation 1800-R, the Code of Conduct, or any applicable collective bargaining provisions, depending upon the situation. *Employees will be provided with notice of this policy in writing in accordance with applicable laws and regulations.*

### Sexual Harassment

*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 sex, sexual orientation, self-identified or perceived sex, gender expression, gender identity, and the status of being transgender.*

Unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature constitutes harassment on the basis of sex when:

- a) Submission of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- 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.

*However, under New York State Human Rights Law, sexual harassment need not be severe or pervasive to be unlawful and can be any harassing conduct that consists of more than petty slights or trivial inconveniences. Rather, sexual harassment is unlawful when it subjects an individual to inferior terms, conditions, or privileges of employment.*

**SUBJECT: SEXUAL HARASSMENT: EMPLOYEES - WORKPLACE [continued]**

Sexual harassment includes, but is not limited to, sexual violence. For the purpose of this policy, sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape, sexual assault, sexual battery, and sexual coercion.

Sexual harassment can originate from a person of either sex against a person of the opposite or same sex, and from students, supervisors, co-workers or non-employees.

**Prohibited Conduct**

Sexual harassment can be verbal, non-verbal, or physical. Examples of such conduct may include, but are not limited to, the following:

- a) Verbal abuse or ridicule, including innuendoes, stories and jokes that are sexual in nature and/or gender-related. This might include inappropriate sex-oriented comments on appearance, including dress or physical features.
- b) Direct or indirect threats or bribes for unwanted sexual activity.
- c) Asking or commenting about a person's sexual activities.
- d) Unwelcome and unwanted physical contact of a sexual nature including, but not limited to, physical acts such as assault, impeding or blocking movement, offensive touching, or any physical interference with normal work or movement.
- e) Displaying or distributing pornographic or other sexually explicit materials such as magazines, pictures, internet material, cartoons, etc.
- f) The use of profanity and/or other obscenities that are sexually suggestive or degrading in nature.
- g) Unwelcome staring, leering, or gesturing which is sexually suggestive in nature.
- h) Unwelcome and/or offensive public displays of sexual/physical affection.
- i) Clothing that reflects sexually obscene and/or sexually explicit messages, slogans, or pictures.
- j) Engaging in sexual conduct with an individual who is unable to consent due to his/her age, use of drugs or alcohol, intellectual disability, or other disability.
- k) Any other unwelcome and unwanted sexually oriented and/or gender-based behavior which is sexually demeaning, belittling, intimidating, or perpetrates sexual stereotypes and attitudes.



**SUBJECT: SEXUAL HARASSMENT: EMPLOYEES - WORKPLACE [continued]****Complaints and Investigation**

Any employee who believes that he/she has been subjected to sexual harassment shall report all incidents of such conduct in accordance with District Regulation 1800-R.

**Prohibition of Retaliatory Behavior**

The Board prohibits any retaliatory behavior directed against complainants, victims, accused individuals, witnesses, and/or any other individuals who participated in the investigation of a complaint of sexual harassment. Complaints of retaliation may be directed to the Civil Rights Compliance Officer. In the event the Civil Rights Compliance Officer is the alleged offender, the report will be directed to another Civil Rights Compliance Officer, if the District has designated another individual to serve in such a capacity, or to the Superintendent.

Where appropriate, follow-up inquiries will be made to ensure that sexual harassment has not resumed and that all those involved in the investigation of sexual harassment have not suffered retaliation.

**Training and Outside Reporting**

The District shall provide appropriate training annually to all staff on sexual harassment in accordance with applicable laws. Newly hired staff will also be provided training.

Aside from the internal process, employees may also choose to pursue legal remedies available to them, including, but not limited to, filing complaints with governmental entities. Employees and non-employees have the right to file a complaint with the New York State Division of Human Rights, One Fordham Plaza, Fourth Floor, Bronx, New York 10458, (718) 741-8400, or with the Equal Employment Opportunity Commission, 1-800-669-4000, [www.eeoc.gov](http://www.eeoc.gov), [info@eeoc.gov](mailto:info@eeoc.gov).

Civil Rights Act of 1991, 42 USC Section 1981(a) 29 CFR Section 1604.11(a)  
Civil Service Law Section 75-B Executive Law Sections 296 and 297  
Title VII of the Civil Rights Act of 1964, 42 USC Section 2000e et seq.  
Title IX of the Education Amendments of 1972, 20 USC Section 1681 et seq.  
34 CFR Section 100 et seq.

## SUBJECT: SEXUAL HARASSMENT OF STUDENTS

The Board of Education affirms its commitment to non-discrimination and recognizes its responsibility to provide for all District students an environment that is free of harassment and intimidation on the basis of sex, gender and/or sexual orientation. Sexual harassment is a violation of law and stands in direct opposition to District policy. Therefore, the Board prohibits and condemns all forms of sexual harassment by employees, school volunteers, students, and non-employees such as contractors and vendors which occur on school grounds and at all school-sponsored events, programs and activities including those that take place at locations off school premises or those that take place in another state.

Generally, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communication of a sexual nature by an individual of the opposite or same sex. *For purposes of this policy, sexual harassment includes harassment on the basis of actual or perceived sex, sexual orientation, and/or gender identity and expression.*

~~"Gender-based harassment" means verbal, non-verbal or physical aggression, intimidation or hostility that is based on actual or perceived gender identity or expression, as well as nonconformity to stereotypical notions of masculinity and femininity.~~

~~Sexual or gender-based harassment occurs when:~~

- a) Submission to or rejection of such sexually harassing conduct and/or communication by a student affects decisions regarding any aspect of the student's education, including participation in school-sponsored activities;
- 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; and
- c) Such conduct and/or communication has the purpose or effect of substantially or 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; and/or effectively bars the student's access to an educational opportunity or benefit.



**SUBJECT: SEXUAL HARASSMENT OF STUDENTS [continued]**

The Board acknowledges that in determining whether sexual harassment has occurred the totality of the circumstances, expectations, and relationships should be evaluated including, but not limited to, the ages of the harasser and the victim; the number of individuals involved; and the type, frequency and duration of the conduct. 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 a third party such as a school visitor, volunteer, or vendor, or any other individual associated with the School District. Sexual harassment **under this policy** may occur from student-to-student, from staff-to-student, **or** from student-to-staff, ~~as well as staff-to-staff~~. Students who believe they or another individual have been subjected to sexual harassment shall report such allegations in accordance with District Regulation 7623-R.

Age-appropriate instructional materials will be incorporated into the curriculum to educate students so that they can recognize and reduce the incidence of sexual harassment.

A copy of this policy and procedure will be available upon request and may be posted at various locations in each school building. The District's policy and procedures on sexual harassment will be published on the District's website, and in appropriate school publications such as teacher/employee handbooks and/or student handbooks.

Civil Rights Act of 1991, 42 United States Code (USC) Section 1981(a)

Title VII of the Civil Rights Act of 1964, 42 United States Code (USC) Section 2000e et seq.

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

34 Code of Federal Regulations (CFR) Section 100 et seq.

29 Code of Federal Regulations (CFR) Section 1604.11(a)

Education Law Section 2801(1); Executive Law Section 290 et seq.