SEXUAL HARASSMENT PREVENTION POLICY

Introduction

The Gateway School of New York/The Gateway Middle School (“Gateway”) is committed to maintaining a work environment free from sexual harassment, which is one form of employment discrimination. This Policy is one component of Gateway’s commitment to a discrimination-free work environment.

Policy:

1. This Policy applies to all employees, school officials, and applicants for employment. It also applies to individuals who are not employees of Gateway but are employees of contractors, subcontractors, vendors, consultants, volunteers, and other persons who provide services in Gateway’s workplace, such as interns and temporary employees.
2. Sexual harassment is not tolerated by Gateway and is prohibited by this Policy. This Policy prohibits not only behavior that constitutes unlawful harassment, but also other inappropriate or unprofessional behavior that may reasonably be considered offensive or otherwise inappropriate. Employees and other individuals covered under this Policy will be subject to disciplinary or other corrective action for any violations of this Policy.
3. No person covered by this Policy shall be subject to adverse employment action because she/he/they make a good faith report of an incident of sexual harassment, or provides information, or otherwise assists in any investigation of a sexual harassment complaint. Any person covered by this Policy, who retaliates against anyone involved in a sexual harassment investigation, is in violation of this Policy and subject to remedial or disciplinary action.
4. Gateway will conduct a prompt, thorough, impartial, and appropriate investigation, consistent with this Policy, in response to any complaint about sexual harassment. Gateway may also investigate other circumstances of inappropriate conduct occurring in its workplace or affecting the terms and conditions of employment for its employees or other individuals working in its workplace. Gateway will take appropriate corrective action whenever sexual harassment or other inappropriate conduct is found to have occurred. All employees, including but not limited to administrators and supervisors, are required to cooperate with any internal investigation of sexual harassment conducted by Gateway.

What Is “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.
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:

- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating a hostile work environment, even if the complaining individual is not the intended target of the sexual harassment;
- Such conduct is made either explicitly or implicitly a term or condition of employment;
- Submission to or rejection of such conduct is used as the basis for employment decisions affecting an individual’s employment; or
- Such conduct has the purpose or effect of treating an individual unequally with regard to the terms or conditions of employment.

A sexually harassing hostile work environment can consist of unwelcome advances, threats, derogatory comments, signs, jokes, pranks, intimidation, physical contact, violence, or other conduct which is of a sexual nature, or which is directed at an individual because of that individual’s sex, or where the conduct alters the terms of employment for the individual subject to the harassment as set forth above. It makes no difference if the individual engaging in such conduct is “just joking” or “teasing” or “playful.”

Sexual harassment also occurs when a person in authority tries to trade job benefits for sexual favors. This can include hiring, promotion, continued employment, or any other terms, conditions, or privileges of employment. This is also called “quid pro quo” harassment.

**Examples of sexual harassment**

The following is a list of some of the types of acts that may constitute sexual harassment:

- Physical acts of a sexual nature, such as:
  - Touching, pinching, patting, kissing, hugging, grabbing, brushing against another employee’s body, or poking another employee’s body;
  - Rape, sexual battery, molestation, or attempts to commit these assaults.
- Unwanted sexual advances or propositions.
- Sexually-oriented gestures, noises, remarks, jokes, or comments about a person’s sexuality, sexual experience, appearance, body, or style of dress.
- Written conduct such as authoring threatening, derogatory, or offensive letters, e-mails, text messages, or social media posts.
- Sexual or discriminatory displays or publications anywhere in the workplace, such as:
  - Displaying pictures, posters, calendars, graffiti, objects, cartoons, promotional material, reading materials, or other materials that are sexually demeaning or pornographic. This includes sexual displays on workplace computers, cell phones, or bulletin boards in the workplace.
  - Sex stereotyping occurs when conduct or personality traits are considered inappropriate simply because they may not conform to other people’s ideas or perceptions about how individuals of a particular sex should act or look.
  - Hostile actions taken against an individual because of that individual’s sex, sexual orientation, gender identity, or the status of being transgender.
Who can be a target of sexual harassment?

Sexual harassment can occur between any individuals, regardless of their sex or gender. It is unlawful for males to sexually harass females or other males, and for females to sexually harass males or other females. Harassers can be a superior, a subordinate, a school official, a coworker, or anyone else in the workplace, including an independent contractor, contract worker, vendor, client, or visitor.

Where can sexual harassment occur?

Unlawful sexual harassment is not limited to the physical workplace itself. It can occur while employees are traveling for business, at employer-sponsored events, or other occasions outside of work, i.e., not in the workplace. Calls, texts, emails, and social media usage by employees containing inappropriate messages, language, pictures, videos, or graphics may also constitute or contribute to unlawful workplace harassment, even if they occur away from the workplace, on personal devices, or during non-work hours.

What is “Retaliation”?

Retaliation includes any conduct, whether or not in the workplace or employment-related, which might deter a reasonable person from making or supporting a charge of discrimination or harassment and is directed at someone who engages in protected activity. Protected activity includes opposing a discriminatory practice, making a good faith report of a suspected violation of this policy, filing a harassment complaint, participating in an investigation or proceeding of such a report or complaint, or encouraging a fellow employee to make a report. Even if the alleged harassment does not turn out to rise to the level of a violation of law, the individual is protected from retaliation if the person had a good faith belief that the practices were unlawful. However, the retaliation provision is not intended to protect persons making intentionally false charges of harassment. Anyone who engages in retaliation prohibited by this policy will be subject to disciplinary or other corrective action in accordance with applicable law.

Reporting Sexual Harassment

Preventing sexual harassment is everyone’s responsibility. Gateway cannot prevent or remedy sexual harassment unless it knows about it. Any employee or other person covered by this Policy who has been subjected to behavior that may constitute sexual harassment is encouraged to report such behavior to a supervisor or the Head of School. Anyone who witnesses or becomes aware of potential instances of sexual harassment should report such behavior to a supervisor or Head of School. If possible, the employee or witness should tell the alleged harasser that her/his/their actions are not welcome and must stop immediately.

If an employee makes a report to her/his/their supervisor or the Head of School and believes the supervisor or Head of School is not taking appropriate action, the employee should report this inaction to the Director of Human Resources. If an employee believes that her/his/their supervisor or the Head of School violated this Policy, then the employee should report the matter to the Director of Human Resources.
Reports of sexual harassment may be made verbally or in writing. A form for submission of a written complaint is attached to this Policy, and all covered individuals are encouraged to use this complaint form, but using the form is not required. Regardless of whether being made verbally or in writing, a report of sexual harassment should be as detailed as possible and include the names of the individual(s) involved, any witness(es) to the harassment, direct quotes, and/or evidence (e.g., notes, e-mails, digital recordings, etc.) of the harassment. Individuals who report sexual harassment on behalf of another person should state clearly that the complaint is being made on another person’s behalf.

**Supervisory Responsibilities**

A supervisor or an administrator who receives a complaint or information about suspected sexual harassment, or observes conduct that may be sexually harassing behavior or otherwise learns of such conduct, **is required to take appropriate steps to address the conduct and to report such suspected sexual harassment to the Director of Human Resources.**

In addition to being subject to discipline if they engaged in sexually harassing conduct or retaliation themselves, supervisors and administrators will be subject to discipline for failing to report suspected sexual harassment or otherwise knowingly allowing sexual harassment to continue.

**Investigation of Sexual Harassment**

All reports, complaints, or other information about suspected sexual harassment will be investigated, whether that information was reported in verbal or written form. Investigations will be conducted in a timely and thorough manner commensurate with the nature of the complaint, and will be confidential to the extent possible.

In conducting an appropriate and impartial investigation, Gateway’s procedures will include these protections: Gateway will provide appropriate notice of the allegations to anyone who is the subject of a harassment complaint and an opportunity to provide a response to the allegations. Complainants and witnesses will be provided with an appropriate opportunity to present relevant information including documents relevant to the investigation. Gateway may adapt and modify the investigatory procedure, in its discretion, based on the nature of the complaint and the conduct at issue.

All employees and other individuals covered under this Policy may be required to cooperate, as needed, in an investigation of suspected sexual harassment. Employees and other individuals who participate in any investigation are protected from retaliation.

All persons involved in the reporting and investigation of harassment are obligated to keep the information pertaining to the investigation confidential to the maximum extent possible, to protect the privacy of those involved in the investigation and to allow Gateway to conduct an objective and appropriate investigation.

If Gateway determines that this Policy has been violated, it will take effective remedial action commensurate with the circumstances. Any employee who has been found by Gateway to have harassed another employee in violation of this policy will be subject to
corrective action, up to and including termination where appropriate. Any appropriate disciplinary action will be taken in accordance with applicable law and/or the terms of any applicable collective bargaining agreement. If it is concluded that a non-employee has subjected an employee or other person protected by this Policy to conduct in violation of this Policy, prompt and effective action will be taken to stop the harassment and deter any future harassment.

Gateway will notify the individual who was subject to the reported conduct and the person who filed the complaint of the conclusion of its investigation, and will follow up with that individual as appropriate under the circumstances.

**Legal Protections and External Remedies**

Sexual harassment is not only prohibited by Gateway but is also prohibited by state, federal, and, where applicable, local law. In addition to the procedures described in this Policy, individuals may choose to pursue legal remedies with the following governmental entities:

The New York State Division of Human Rights (DHR) enforces the Human Rights Law (HRL), codified as N.Y. Executive Law, art. 15, § 290 et seq., which prohibits sexual harassment in employment in New York State, and protects employees and other individuals working in an employer’s workplace. A complaint alleging a violation of the Human Rights Law may be filed either with the DHR, subject to a one-year statute of limitations for claims not involving sexual harassment, or subject to a three-year statute of limitations for claims involving sexual harassment. All Human Rights Law claims may also be filed in New York State Supreme Court, subject to a three-year statute of limitations.

If unlawful discrimination is found after a hearing, the DHR or the court may award relief, which may include requiring the employer to take action to stop the harassment, to redress the damage caused, including reversing an unlawful employment action, and paying monetary damages, attorneys’ fees, and civil fines. The DHR can be contacted at (888) 392-3644 or at www.dhr.ny.gov.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces federal anti-discrimination laws, including Title VII of the 1964 Civil Rights Act (codified as 42 U.S.C. § 2000e et. seq.). An employee must file a complaint with the EEOC within 300 days from the conduct giving rise to the complaint. The EEOC investigates complaints, and may pursue a claim in federal court on behalf of the complaining party, or issue a Right to Sue Letter that allows an individual to pursue her/his/their claims in federal court. Federal courts may award remedies if discrimination is found to have occurred. The EEOC can be contacted by calling 1-800-669-4000 (1-800-669-6820 (TTY)), or at their website: www.eeoc.gov or via email at info@eeoc.gov. If an individual files an administrative complaint with the DHR, the DHR may file the complaint with the EEOC to preserve the individual’s right to proceed in federal court.

**Local Protections**

Many localities enforce laws protecting individuals from sexual harassment and discrimination. An individual should contact the county, city, or town in which they live to find out if such a law exists. If the harassment involves physical touching, coerced
physical confinement, or coerced sex acts, the conduct may constitute a crime, and it may be appropriate to report such conduct to the local police department.

For example, employees who work in New York City may file complaints of sexual harassment with the New York City Commission on Human Rights (“NYCCHR”), which enforces the New York City Human Rights Law. The NYCCHR may be contacted at the Law Enforcement Bureau, NYCCHR, 40 Rector Street, 10th Floor, New York, NY; by phone at 311 or (212) 306-7450; or by visiting www.nyc.gov/html/cchr/html/home/home.shtml.

**Other Types of Harassment**

Gateway also prohibits discrimination or harassment on the basis of race, color, or national origin; religion; age; creed; disability; marital, familial, or caregiver status; citizenship; pregnancy; veteran or military status; genetic predisposition or carrier status; status as a victim of domestic violence, sex offenses, or stalking; or any other non-sex based category protected by federal, state, county, or local law. For more information, see the Non-Discrimination and Anti-Harassment Policy.

**Questions**

If you have any questions about this Policy, please contact the Director of Human Resources, or if you feel uncomfortable speaking to the Director of Human Resources, please contact the Head of School. Questions about this policy will be treated as confidential to the extent practicable.

July 2021
THE GATEWAY SCHOOL OF NEW YORK
COMPLAINT FORM

This form is designed to assist individuals making a report under Gateway’s Sexual Harassment Prevention Policy. If you believe you are, or have been, subject to conduct in violation of the Sexual Harassment Prevention Policy, or witness or otherwise become aware of such conduct, you are expected to report that information either verbally or in writing. It is the policy of Gateway to promptly and thoroughly investigate such reports.

If you wish to make a written report, you may use this form to do so. After completing this form, please submit it to the Director of Human Resources. If you are more comfortable reporting verbally or in another manner, you are welcome to do so.

Gateway prohibits retaliation against any individual who opposes a discrimination practice, makes a good faith report of discrimination or harassment, or who participates in an investigation of such reports. Your cooperation in truthfully completing this form and providing as much accurate information as possible will enable us to investigate and respond to these matters.

YOUR INFORMATION

Name: _______________________________________________________
Home Address: _________________________________________________
Work Address: _________________________________________________
Personal Phone: __________________ Work Phone: __________________
Job Title: __________________________ Email: ______________________
Preferred Communication Method: __________________________________

SUPERVISOR’S INFORMATION

Immediate Supervisor’s Name: ______________________________________
Title: __________________________________________________________
Work Phone: __________________ Work Address: ___________________

INFORMATION CONCERNING SUSPECTED HARASSMENT

1. The name of the person(s) involved in your complaint
   Name: _______________________________________________________
   Title: _______________________________________________________
   Work Phone: __________________ Work Address: __________________
   Other identifying information: _________________________________
   Relationship to you: □Supervisor □Subordinate □Co-Worker □Other: _______

2. Please describe the conduct or incident(s) that are the basis of this report and your reasons for believing the conduct is harassment. Please use additional sheets of paper if necessary and attach any relevant documents or evidence.
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
   __________________________________________________________
3. Date(s) harassment occurred: __________________________________________
   Is the harassment continuing? □Yes □No

4. Please list the name and contact information of any witnesses or individuals that
   may have information related to your complaint. Please use additional sheets of
   paper if necessary.
   ______________________________________________________________
   ______________________________________________________________
   ______________________________________________________________
   ______________________________________________________________

5. Have you previously complained or provided information (verbal or written) about
   harassment at Gateway? If yes, when and to whom did you complain or provide
   information?
   ______________________________________________________________
   ______________________________________________________________
   ______________________________________________________________
   ______________________________________________________________

Upon receipt of this report, the Director of Human Resources will contact you. Every
effort will be made to ensure that confidentiality will be maintained throughout the
investigatory process to the extent consistent with the need to investigate your report
and to take appropriate corrective action. For additional information, see the Sexual
Harassment Prevention Policy.

The information provided in this report is true and complete and I request that
Gateway investigate this complaint and advise me of the outcome of the investigation.

Signature: __________________________________________ Date: ________________