



harassment also includes any unwanted verbal or physical advances, sexually explicit derogatory statements, or sexually discriminatory remarks made by someone in the workplace that are offensive or objectionable to the recipient, and cause the recipient discomfort or humiliation, or interfere with the recipient's job performance

Sexual harassment is also known as "quid pro quo" harassment when a person in authority tries to trade job benefits for sexual favors

Sexual harassment includes but is not limited to:

- Inappropriate physical actions of a sexual nature such as touching, cornering, leering, whistling, grabbing, brushing against the body, or other suggestive contact;
- Unwelcome sexual advances, requests for dates or propositions, or displays including sexually oriented gestures, noises, remarks, jokes, magazines, and calendars;
- Comments about a person's physical appearance, ability, or sexual experience
- Preferential treatment, or promises of preferential treatment, to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward
- Subjecting, or threats of subjecting, an employee to unwelcome sexual attention.
- Inappropriate comments or behavior of a sexual nature toward pregnant or breastfeeding mothers in the workplace;
- Intentionally making performance of the employee's job more difficult because of that employee's sex, gender identity, or sexual orientation; and
- Retaliation for opposing or reporting sexual harassment in the workplace.

Sexual harassment is unwelcomed when it subjects an individual to inferior terms, conditions, or privileges of employment. Sexual harassment need not be severe or pervasive to be unlawful and can be any sexually harassing conduct that consists of more than petty slights or trivial inconveniences.

Sexual Violence physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Preponderance of the Evidence is the standard of proof in sexual harassment and sexual assault cases, which asks whether it is "more likely than not" that the sexual harassment or sexual violence occurred. If the evidence presented meets this standard, then the accused should be found responsible.

### Applicability

This procedure may be used by any NYSED

of the United States Department of Education. However, after filing with one of these outside enforcement agencies, or upon the initiation of litigation, the complaint will be referred to NYSED's Title IX Coordinator for investigation in conjunction with the Office of Counsel.

The Department's Title IX Coordinator is Jeffrey Matteson, Senior Deputy Commissioner for P-20 Policy. Mr. Matteson may be reached via email at [LEGAL@nysec.org](mailto:LEGAL@nysec.org) telephone at (518) 474-3852.

Upon receipt of a sex discrimination complaint or report, the Title IX Coordinator will promptly



Employees:



to the Decision Maker. The burden of proof in cases of discrimination is a preponderance of the evidence. If the Decision Maker

identified above. The Decision Maker will provide the written decision immediately to both parties within 21 days following his or her appointment.

Time limitations: The time limitations set forth above may be extended by mutual agreement of the Complainant and Respondent with the approval of the Title IX Coordinator, investigator and Decision Maker. The Title IX Coordinator will also have the discretion to reasonably extend the deadlines if an investigation is deemed complex. Such extension shall be confirmed in writing.

External Agencies: If the Complainant is dissatisfied with the Decision Maker decision, the Complainant



