

SEXUAL HARASSMENT OF STUDENTS

Code **JIAA-R** Issued **6/05**

The district takes sexual harassment of students seriously and prohibits such conduct by employees, students and third parties associated with district schools. The following procedures are intended to do the following.

- discourage employees, students and third parties from subjecting district students to sexual harassment
- promote a harassment-free school environment
- establish ongoing education and awareness of the problem of sexual harassment
- provide information about how to report allegations of sexual harassment
- ensure a prompt, thorough and impartial investigation of sexual harassment allegations
- effectively and appropriately address all sexual harassment found to have occurred or be occurring

Types of behavior which constitute sexual harassment

Quid pro quo sexual harassment

A school employee explicitly or implicitly conditions a student's participation in an educational program or activity or bases an educational decision on the student's submission to unwelcome sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature, whether the student resists or submits to the conduct.

Hostile environment

An employee, student or third party engages in such conduct as inappropriate sexual advances, requests for sexual favors or other verbal, nonverbal or physical conduct of a sexual nature which is sufficiently severe, persistent, or pervasive that it limits a student's ability to participate in or benefit from an education program or activity, or creates a hostile or abusive educational environment.

Preventive action

Periodically, the district will ensure the following.

- Information is made available to students about the nature of sexual harassment, the procedures for registering a complaint and the possible redress which is available. Such information will stress that the district does not tolerate sexual harassment and that students can report inappropriate behavior of a sexual nature without fear of adverse consequences. The information provided will take into consideration and be appropriate to the ages of students. Written summaries of sexual harassment procedures are included in student/parent handbooks or other appropriate documents distributed to students and/or parents/legal guardians.
- Each school has selected a male and female administrator or faculty member to serve as the school's sexual harassment contact persons.

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- All administrators and designated sexual harassment contact persons are informed of the district's sexual harassment procedures and understand how to implement them. For example, they will be made aware of the conduct that constitutes sexual harassment, the district's commitment to eliminating and avoiding sexual harassment in the schools, the penalties for engaging in harassment, the procedures for reporting incidents of sexual harassment and the procedures for conducting a sexual harassment investigation.
- All certified employees and support staff are informed about the nature of sexual harassment and the district's general procedures for handling and reporting student complaints.
- Information from the Office of Civil Rights (OCR) about filing claims of sexual harassment with OCR is made available to students and parents.

The district will designate a Title IX Coordinator(s). The name, address, and business telephone number of the coordinator(s) will be disseminated throughout the district and be made available to students and/or ~~parents~~ parents/legal guardians.

Reporting and response procedures

Any student who feels that he/she has been the object of sexual harassment is encouraged to file a complaint with his/her principal or one of the designated school contact persons (except for situations covered in the paragraph below). Such a complaint may also be filed by the student's parent/legal guardian. (See JIAA-E which may be used to file a complaint.)

Under no circumstances will a student be required to first report allegations of harassment to the principal or a school contact person if that person is the individual who is accused of the harassment. In such cases, the student or the student's parent/legal guardian will file the complaint with another contact person at the student's school or with the district Title IX Coordinator(s). In cases where the contact person is subordinate to the person accused of the harassment, the complaint will be forwarded directly to the district Title IX Coordinator(s).

If any employee receives a complaint of sexual harassment or observes any behavior which could amount to sexual harassment, the employee will transmit the complaint to one of the school's designated contact persons or report the behavior to the principal or one of the school contact persons as soon as practicable. Conduct to be reported includes sexual graffiti on school property, hazing of students, etc.

All principals and/or school contact persons will report any incident of alleged sexual harassment reported to them to the district Title IX Coordinator(s) as soon as practicable.

If a student alleges that he/she is the victim of sexual harassment, the school should promptly attempt to notify the student's parent/legal guardian. The principal, school contact person, and/or the Title IX Coordinator(s) should initially discuss with the student and, if appropriate, his/her ~~parents~~ parents/legal guardians what actions are being sought and the investigation procedures that will be followed. Interim measures designed to protect the student from further harassment during the investigation of a complaint should be taken where appropriate.

In cases involving potential criminal conduct or where a child's physical or mental health or welfare has been or may be adversely affected by sexual abuse, appropriate school personnel should report the situation to appropriate authorities in accordance with S.C. Code Ann. § 20-7-510 and/or § 59-24-60.

The Title IX Coordinator(s) and the school principal and/or one of the school contact persons will promptly initiate an investigation of the alleged sexual harassment. The investigation will include appropriate steps to determine what occurred and to take actions reasonably calculated to

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end the harassment, eliminate the hostile environment if one has been created and prevent harassment from occurring again. The school will take steps to assist in remedying the effects of harassment on the individual student or students subjected to the harassment. This administrative rule does not create an obligation for the district to incur any expenses associated with a student's participation in private counseling or medical services.

The district will be responsible for ensuring that reasonable efforts are made to prevent public disclosure of the names of all parties involved in the sexual harassment allegations, except to the extent necessary to carry out an investigation and comply with statutory obligations.

If the investigation determines that sexual harassment has occurred, the district or school administration will take reasonable, timely, age-appropriate and effective corrective action. Examples of corrective action include, but are not limited to, the following.

- disciplinary action against the harasser, up to and including termination of an employee or expulsion of a student
- special training or other interventions
- apologies
- dissemination of statements that the school does not tolerate sexual harassment
- independent reassessment of student work
- tutoring
- referrals to counseling services

The principal or the Title IX Coordinator(s) will report the general results of any investigation of sexual harassment, including corrective action taken, to the superintendent or his/her designee. The student and his/her ~~parents~~ parents/legal guardians will be informed that appropriate actions were taken and will be advised how to report any subsequent problems.

All principals and/or school contact persons will follow up periodically on any incident of sexual harassment they were involved in investigating to determine whether the student has been subjected to any further sexual harassment since the corrective action was taken.

In the event that a school learns of possible harassment through other means than a student, parent/legal guardian or employee complaint, such as a witness to an incident or anonymous letter or telephone call, the administration will consider the following factors in formulating an appropriate response

- source and nature of the information
- seriousness of the alleged incident
- specificity of the information
- objectivity and credibility of the source of the report
- whether any individuals can be identified who were subjected to the alleged harassment
- whether those individuals want to pursue the matter

If, based on these factors, it is reasonable for the school to investigate and the principal, school contact person and/or Title IX Coordinator(s) can confirm the allegations, the investigation will proceed as delineated above.

Additional obligations of all employees and students

All employees and students will report to the principal, school contact persons or in appropriate cases the employee's immediate supervisor, any conduct on the part of third parties, such as sales representatives or service vendors, which is believed to constitute sexual harassment.

All employees and students will cooperate with and maintain the confidentiality of any investigation of alleged acts of sexual harassment conducted by the district or by an appropriate

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governmental agency. Failure to do so could result in disciplinary action against the individual who failed to cooperate or who violated the confidentiality of the matter.

No employee or student of this district will take any action to discourage any student from reporting alleged sexual harassment. However, any person who intentionally provides false information in connection with a report or investigation of sexual harassment may be subject to disciplinary action.

No employee or student of this district will retaliate in any way against an employee or student who has provided information regarding an incident of sexual harassment.

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