

[DRAFT]
[REPLACE EXISTING BOARD POLICY JIAA]

Policy

STUDENT SEX/GENDER DISCRIMINATION AND HARASSMENT

Code JIAA Issued _____

The District prohibits discrimination and harassment on the basis of sex or gender in all of its programs and activities by its employees, students or third parties.

Note: Upon receipt of a complaint under this policy, the administrator shall consult with the Title IX coordinator for guidance. This policy does not apply to any conduct that rises to the level of sexual harassment, as determined by the Title IX coordinator, consistent with the 2020 Title IX regulations addressed in Board policies GBAB and JBAB.

All students and employees must avoid any action or conduct which could be viewed as sex/gender discrimination or harassment or inappropriate conduct of a sexual nature, including acts of sexual violence or conduct which create a hostile sexual environment. This includes any action or conduct communicated or performed in person, in writing or electronically through such means as a cell phone, computer, personal data assistant or other telecommunication device, and includes text messaging and social networking.

Definitions:

Sex/gender discrimination consists of unfair or different treatment of an individual or group of individuals based on sex or gender (including gender identity, sexual orientation, and pregnancy, childbirth, and any related medical conditions).

Sexual harassment consists of unwelcome (as determined based on the age of the student) sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature under any of the following circumstances.

- Submission to such conduct is made either expressly or impliedly a condition of a student's participation in an educational program or activity.
- Submission to or rejection of such conduct by a student is used as the basis for any educational decisions affecting the student.
- Such conduct has the purpose or effect of unreasonably interfering with the student's educational performance or creating an intimidating, hostile or offensive educational environment.

Any student who believes he/she has been subjected to sex/gender discrimination or harassment is encouraged to file a complaint in accordance with administrative rule JIAA-R. A parent/legal guardian may also file a complaint on behalf of his/her child. All allegations will be investigated

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promptly and confidentially. Students who file such a complaint will not be subject to retaliation or reprisal in any form.

All employees must avoid any action toward, or conduct with, a student which could be viewed as sexually inappropriate. Inappropriate conduct of a sexual nature will not be tolerated at any time. Inappropriate conduct of sexual nature with a student occurs when an employee does any of the following.

- makes a sexually suggestive advance toward a student
- makes a request for a sexual favor from a student
- engages in a relationship of a sexual nature with a student

Any student who believes an employee has directed inappropriate conduct of a sexual nature toward him/her is encouraged to file a complaint in accordance with administrative rule J ____ -R. A parent/legal guardian may also file a complaint on behalf of his/her child. All allegations will be investigated promptly and confidentially. Students who file a complaint of inappropriate conduct of a sexual nature by an employee will not be subject to retaliation or reprisal in any form.

Any employee who is found to have engaged in sex/gender discrimination or harassment, or inappropriate conduct of a sexual nature, will be subject to disciplinary action, up to and including, a recommendation of termination. Any student who is found to have engaged in sex/gender discrimination or harassment, will be subject to disciplinary action, up to and including, a recommendation of expulsion. If a non-employee, including, but not limited to, an individual working in the District through another agency or third party, a contractor, a sales representative or a service vendor is determined to have engaged in sex/gender discrimination or harassment or engaged in inappropriate conduct of a sexual nature toward an employee or student, the District will take appropriate action against the individual, including severing the relationship with the individual or entity. The district will take all other appropriate steps to correct or rectify the situation.

Adopted 1/25/16; Revised __/__/21

Legal references:

A. Federal statutes:

1. Title VII of the Civil Rights Act of 1964 - Prohibits discrimination on the basis of race, color, national origin, religion or sex.
2. Title IX of the Education Amendments of 1972, 20 USC Section 1681, et seq. - Prohibits discrimination on the basis of sex.

Policy JIAA Sexual Harassment of Students

Issued 1/16

~~Purpose: To establish the board's vision for student rights and responsibilities with regard to sexual harassment.~~

~~The district prohibits sexual harassment of students by district employees, other students, or third parties. All students and employees must avoid any action or conduct which could be viewed as sexual harassment or inappropriate conduct of a sexual nature. This includes any action or conduct communicated or performed in person, in writing, or electronically through such means that include, but are not limited to, telephones, cell phones, computers, or other telecommunication devices and includes text messaging, instant messaging, and social media.~~

~~Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature under any of the following circumstances:~~

- ~~• Submission to such conduct is made either expressly or implicitly a term or condition of a student's education.~~
- ~~• Submission to or rejection of such conduct by an individual is used as the basis for any decisions affecting a student.~~
- ~~• Such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile, or offensive school environment.~~

~~Any student who feels he/she has been subjected to sexual harassment is encouraged to file a complaint in accordance with administrative rule JIAA-R. A parent/legal guardian may also file a complaint on behalf of his/her child. All allegations will be investigated promptly, thoroughly, and impartially to determine what occurred. In the interim and at the conclusion of the investigation, appropriate steps will be taken to effectively address the situation.~~

~~Any employee or student who is found to have engaged in sexual harassment or inappropriate conduct of a sexual nature will be subject to disciplinary action, up to and including termination in the case of an employee, or expulsion in the case of a student. The district will take appropriate steps to correct or rectify the situation.~~

~~The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of sexual harassment.~~

~~The identity of the complainant and the facts stated in any complaint will remain confidential.~~

~~Adopted 1/25/16~~

~~Legal references:~~

~~Federal Law:~~

~~Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, et seq. Prohibits discrimination on the basis of sex.~~

York 3/Rock Hill School District

Current

Policy JIAA Sexual Harassment of Students

Issued 1/16

Purpose: To establish the board's vision for student rights and responsibilities with regard to sexual harassment.

The district prohibits sexual harassment of students by district employees, other students, or third parties. All students and employees must avoid any action or conduct which could be viewed as sexual harassment or inappropriate conduct of a sexual nature. This includes any action or conduct communicated or performed in person, in writing, or electronically through such means that include, but are not limited to, telephones, cell phones, computers, or other telecommunication devices and includes text messaging, instant messaging, and social media.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature under any of the following circumstances:

- Submission to such conduct is made either expressly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by an individual is used as the basis for any decisions affecting a student.
- Such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile, or offensive school environment.

Any student who feels he/she has been subjected to sexual harassment is encouraged to file a complaint in accordance with administrative rule JIAA-R. A parent/legal guardian may also file a complaint on behalf of his/her child. All allegations will be investigated promptly, thoroughly, and impartially to determine what occurred. In the interim and at the conclusion of the investigation, appropriate steps will be taken to effectively address the situation.

Any employee or student who is found to have engaged in sexual harassment or inappropriate conduct of a sexual nature will be subject to disciplinary action, up to and including termination in the case of an employee, or expulsion in the case of a student. The district will take appropriate steps to correct or rectify the situation.

The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of sexual harassment.

The identity of the complainant and the facts stated in any complaint will remain confidential.

Adopted 1/25/16

Legal references:

Federal Law:

Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et seq.* - Prohibits discrimination on the basis of sex.

York 3/Rock Hill School District

[DRAFT]
[REPLACE EXISTING ADMINISTRATIVE RULE JIAA-R]
Administrative Rule

STUDENT SEX/GENDER DISCRIMINATION AND HARASSMENT

Code JIAA-R Issued _____

These procedures are intended to do the following:

- provide, at the lowest possible level, prompt and equitable resolutions to complaints based on sex/gender discrimination, including complaints of sexual harassment or sexual violence;
- discourage employees and students from subjecting District students to sexual harassment or inappropriate conduct of a sexual nature;
- promote a harassment-free educational environment;
- effectively and appropriately address sexual harassment and inappropriate conduct of a sexual nature found to have occurred or be occurring;
- establish ongoing education and awareness of the problem of sexual harassment and inappropriate conduct of a sexual nature;
- provide information about how to report allegations of sexual harassment and inappropriate conduct of a sexual nature.

***Note: Upon receipt of a complaint under this policy, the administrator shall consult with the Title IX coordinator for guidance. This policy does not apply to any conduct that rises to the level of sexual harassment, as determined by the Title IX coordinator, consistent with the 2020 Title IX regulations addressed in Board policies GBAB and JBAB.**

Types of Behavior Which Constitute Sex/Gender Discrimination or Harassment of Students

Sex/gender discrimination consists of unfair or different treatment of an individual or group of individuals based on sex or gender (including gender identity, sexual orientation, and pregnancy, childbirth, and any related medical conditions.) Sexual harassment of students includes unwelcome (as determined based on the age of the student) sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature which does the following:

- is made a condition so that submission to such conduct is either expressly or impliedly a condition of the student's participation in an educational program or activity;
- has an educational consequence, so that submission to or rejection of such conduct is used as a basis for an educational decision affecting a student;
- is an offensive educational interference, so that such conduct has the purpose or effect of unreasonably interfering with a student's performance or creating an intimidating, hostile, or offensive educational environment.

Sexual harassment may include, but is not limited to:

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- verbal harassment, including sexually offensive comments or slurs
- physical harassment or physical interference with movement or work
- visual harassment such as sexually offensive cartoons, drawings, or posters

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex. Gender-based harassment is another form of sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex. These types of sex-based harassment are also prohibited.

Types of Behavior Which Constitute Inappropriate Conduct of a Sexual Nature with Students

Inappropriate conduct of a sexual nature by an employee toward a student includes inappropriate sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature. Inappropriate conduct of a sexual nature may include, but is not limited to, the following:

- engaging or participating in any dates, sexual activity, or other activity which contains a sexual or romantic overture
- leering at a student's body
- touching, grabbing, and/or pinching
- making comments, gestures, or jokes of a sexual nature
- manipulating clothing in a sexual manner
- displaying sexual pictures or objects
- spreading sexual rumors or commenting about sexual behavior
- teasing and/or bullying in sexual terms
- inflicting sexual assault or abuse
- any other behavior by an employee towards a student which would reasonably cause the student to feel uncomfortable or would reasonably give the appearance of impropriety or unprofessional conduct, regardless of whether the behavior is overtly sexual and regardless of whether such behavior would constitute a crime.

Inappropriate conduct of a sexual nature is prohibited against students of the opposite sex as well as against students of the same sex. Additionally, students are prohibited from directing inappropriate conduct of a sexual nature toward employees, whether of the opposite or same sex. Gender-based harassment is another form of sex-based harassment and refers to unwelcome conduct based on an individual's actual or perceived sex. These types of sex-based harassment are also prohibited.

Behavior Prohibited of All Employees and Students

No employee of this District will create a sexually hostile, offensive, or charged educational environment for any student by engaging in any sex/gender discrimination or harassment or inappropriate conduct of a sexual nature with a student. No student of this District will create a sexually hostile, offensive, or charged educational environment for any student by engaging in any sexual harassment with another student.

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No employee or student of this District will assist any individual in doing any act that constitutes sex/gender discrimination or harassment or inappropriate conduct of a sexual nature against any student.

No employee may condition an individual student's education, educational benefit, or educational opportunity on the student's acquiescence to any of the sexual behaviors defined above.

No employee or student may retaliate against any student because that student has opposed a practice prohibited by Title IX of the Education Amendments of 1972 or has filed a complaint, testified, assisted, or participated in any manner in a sex/gender discrimination or harassment or inappropriate conduct of a sexual nature investigation, proceeding, or hearing conducted by an authorized agency.

No employee will tolerate a sexually hostile or offensive school environment created by any other employee or student who engages in sexual harassment.

No employee will destroy evidence relevant to an investigation conducted pursuant to this policy.

Preventive Action

The administration will ensure the following on an annual basis:

- Policy JIAA and this administrative rule will be fully referenced in student handbooks and/or a copy will be provided to each student.
- Policy JIAA and this administrative rule will be available online at www.rock-hill.k12.sc.us in each school and at the District office.
- All students will be informed about the nature of sex/gender discrimination or harassment and inappropriate conduct of a sexual nature, the procedures for registering a complaint, and the possible redress that is available.

Administrators and designated sex/gender discrimination and harassment contact persons are expected to be knowledgeable of the District's procedures regarding sexual harassment and inappropriate conduct of a sexual nature and to understand how to address and/or investigate complaints. For example, they should be made aware of the kinds of acts that constitute sex/gender discrimination and harassment and inappropriate conduct of a sexual nature; the district's commitment to eliminating and avoiding such conduct in the schools; the penalties for engaging in discrimination, harassment, or inappropriate conduct of a sexual nature; the procedures for reporting such incidents; and the procedures for conducting a sex/gender discrimination or harassment or inappropriate conduct of a sexual nature investigation.

Annually, administrators/supervisors will ensure that the provisions of the District policy on sex/gender discrimination and harassment and inappropriate conduct of a sexual nature and this administrative rule as well as an orientation on the definition of sex/gender discrimination and harassment and inappropriate conduct of a sexual nature, the procedures for registering a complaint about such conduct, and the redress which is available are reviewed with all employees and students. With regard to students, such review and orientation will take into consideration, and be

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appropriate to, the students' ages.

The District office will make available information from the U.S. Department of Education, Office of Civil Rights (OCR) about filing claims of sexual harassment with OCR.

Annually, the administrators/supervisors will attend a training session on sex/gender discrimination or harassment or inappropriate conduct of a sexual nature which will cover the definition of sexual harassment, the District's commitment to eliminating and avoiding sex/gender discrimination or harassment in the schools, the penalties for engaging in such conduct, and the procedures for reporting incidents of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature.

The District's Title IX coordinator's name and contact information is available on the District's website.

Reporting and Response Procedures

Any student who believes that he/she has been the object of, or witness to, sex/gender discrimination or harassment or inappropriate conduct of a sexual nature is encouraged to file a complaint by submitting a complaint form with the student's principal (except for situations covered in the following paragraph). Such a complaint may also be filed by the student's parent/legal guardian. (See complaint form).

Under no circumstances will a student be required to first report allegations of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature to the principal if that person is the individual the student is accusing of the harassment. In such cases, the student or the student's parent/legal guardian should file the complaint with the District's Title IX coordinator.

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 Section 63-7-310 and/or law enforcement in accordance with Section 59-24-60.

Any employee who believes that he/she has witnessed sex/gender discrimination or harassment or inappropriate conduct of a sexual nature toward a student must immediately report such a situation to his/her immediate supervisor or principal, except for situations covered below. Additionally, if any employee receives a complaint of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature, the employee will transmit the complaint to one of the school's principal or designated contact persons as soon as practicable.

Upon receipt of a complaint, all principals/contact persons shall consult with the Title IX coordinator for guidance, and will within three working days, initiate an investigation of any incident of alleged sex/gender discrimination or harassment or inappropriate conduct of a sexual nature reported to them or observed by them, and consult with law enforcement, as appropriate. If a student alleges that he/she is the victim of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature, the school promptly should attempt to notify the student's

parent/legal guardian. The administration will be responsible for ensuring that reasonable efforts are made to prevent public disclosure of the names of all parties involved in the sex/gender discrimination or harassment or inappropriate conduct of a sexual nature allegation, except to the extent necessary to carry out an investigation and comply with statutory obligations.

All principals/contact persons will report in writing the results of the investigation, including corrective or disciplinary action taken, to the Title IX coordinator and/or superintendent. The District will inform (to the extent permitted by federal law) the complainant and alleged perpetrator in writing of the outcome of the investigation, i.e., whether or not the alleged conduct occurred and/or was found to be a violation of policy.

Any employee who is found to have engaged in sex/gender discrimination or harassment, or inappropriate conduct of a sexual nature, will be subject to disciplinary action, up to and including, a recommendation of termination. Any student who is found to have engaged in sex/gender discrimination or harassment, will be subject to disciplinary action, up to and including, a recommendation of expulsion. If a non-employee, including, but not limited to, an individual working in the District through another agency or third party, a contractor, a sales representative or a service vendor is determined to have engaged in sex/gender discrimination or harassment, or engaged in inappropriate conduct of a sexual nature toward an employee or student, the District will take appropriate action against the individual, including severing the relationship with the individual or entity. The district will take all other appropriate steps to correct or rectify the situation.

All principals/school contacts will follow up periodically on any incident of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature they were involved in investigating to determine whether the student has been subjected to any further discrimination or harassment or inappropriate sexual conduct since the corrective action was taken.

No employees or students of this District will retaliate in any way against an employee or student who has provided information as a witness to or victim of an incident of sex/gender discrimination harassment or inappropriate conduct of a sexual nature.

Record Keeping

The District's Title IX coordinator shall maintain a record of all reported cases of sex/gender discrimination or harassment to enable the District to monitor, address, and prevent such repetitive behavior in District schools.

Additional Obligations of All Employees and Students

All employees and students will report to the principal, school contact persons, or in appropriate circumstances, the employee's immediate supervisor, any conduct on the part of non-employees, including, but not limited to, an individual working in the District through another agency or third party, a contractor, a sales representative, or a service vendor, which is believed to constitute sex/gender discrimination or harassment or inappropriate conduct of a sexual nature.

All employees and students will cooperate with and maintain the confidentiality of any investigation of alleged acts of sex/gender discrimination or harassment, or inappropriate conduct of a sexual nature, conducted by the District or by any appropriate 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.

The District prohibits any action by any employee or student of this District to discourage any student from reporting alleged sex/gender discrimination or harassment or inappropriate conduct of a sexual nature. However, any person who intentionally provides false information in connection with such a report or investigation may be subjected to disciplinary action.

The District prohibits retaliation in any way against an employee or student who has provided information as a witness to an incident of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature.

Adopted 1/25/16; Revised __/__/21

AR JIAA-R Sexual Harassment of Students

Issued 4/16

~~These procedures are intended to do the following:~~

- ~~• discourage employees and students from sexually harassing students of the district~~
- ~~• promote a harassment-free school environment~~
- ~~• remedy in a speedy manner any consequences of sexual harassment~~
- ~~• establish ongoing education and awareness of the problem of sexual harassment~~
- ~~• provide information about how to resolve claims of sexual harassment~~

Definition of Sexual Harassment

~~Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature under the following conditions:~~

- ~~• Submission to such conduct is made either expressly or implicitly a term or condition of a student's education.~~
- ~~• Submission to or rejection of such conduct by an individual is used as a basis for educational decisions affecting a student.~~
- ~~• Such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile, or offensive school environment.~~

~~Sexual harassment may include, but is not limited to, verbal harassment, including sexually offensive comments or slurs; physical harassment; physical interference with movement or work; or visual harassment such as sexually offensive cartoons, drawings, posters, images, or video.~~

~~Not all behavior with sexual connotations constitutes sexual harassment under federal law. In order to qualify as a complaint under Title IX, sexual harassment must be sufficiently severe, persistent, or pervasive that it does one of the following:~~

- ~~• adversely affects a student's education~~
- ~~• creates a hostile or abusive educational environment~~

~~A one time incident must be severe to rise to the level of sexual harassment.~~

~~Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.~~

Behavior Prohibited of All Employees

~~No employee may condition an individual student's education, educational benefit, or educational opportunity on the student's acquiescence to any of the sexual behaviors defined above.~~

~~No employee may retaliate against any student because that student has filed a complaint, testified, assisted, or participated in any manner in a sexual harassment investigation, proceeding, or hearing conducted by an authorized agency.~~

~~No employee will tolerate a sexually hostile or offensive school environment created by any other employee or student who engages in sexual harassment.~~

~~No employee will destroy evidence relevant to an investigation of sexual harassment.~~

Behavior Prohibited of All Employees and All Students

~~No employee or student of this district will create a sexually hostile or offensive school environment for any other student by engaging in any sexual harassment.~~

~~No employee or student of this district will assist any individual in doing any act which constitutes sexual harassment against any other student.~~

Obligations of Administrators/Supervisors

Preventive action

The district policy on sexual harassment and this administrative rule will be referenced in employee and student handbooks.

All administrators/supervisors will give a copy of district policy on sexual harassment and this administrative rule to all employees. The district will give a copy of the student handbook to all students.

The district policy on sexual harassment and this administrative rule will be available in each school's media center and the district office.

Annually, administrators/supervisors will ensure that the provisions of the district policy on sexual harassment and this administrative rule, as well as an orientation on the definition of sexual harassment, the procedures for registering a complaint about sexual harassment, and the redress available are reviewed with all employees and students. With regard to students, such review and orientation will take into consideration, and be appropriate to, the students' ages.

The district will make information from the U. S. Department of Education, Office of Civil Rights (OCR) about filing claims of sexual harassment with OCR available through the personnel office.

Annually, the administrators/supervisors will attend a training session on sexual harassment which will cover the definition of sexual harassment, the district's commitment to eliminating and avoiding sexual harassment in the schools, the penalties for engaging in sexual harassment, and the procedures for reporting incidents of sexual harassment.

Investigative/corrective action

Any student who feels that he/she has been the object of sexual harassment is encouraged to file a complaint with the student's principal (except for situations covered in the following paragraph). Such a complaint may be filed by the student's parent/legal guardian.

Under no circumstances will a student be required to first report allegations of harassment to the principal if that person is the individual the student is accusing of the harassment. In such cases, the student or the student's parent/legal guardian will contact the director of personnel.

The administrator/supervisor will, within three working days, initiate an investigation of any incident of alleged sexual harassment reported to them or observed by them. Personnel will maintain confidentiality throughout the investigation. Only those who have an immediate need to know may be provided the identity of the complainant.

Upon the completion of the investigation, the administrator/supervisor will report in writing the results of any investigation of sexual harassment, including corrective or disciplinary action taken, to the personnel director and to the complainant and/or the complainant's parent/legal guardian.

If an employee or student is determined to have sexually harassed a student, the administrator/ supervisor will take whatever disciplinary action he/she determines is warranted, up to and including termination of an employee or expulsion of a student.

Even if the employee has been terminated or the student expelled, the administrator/supervisor will follow up within three months of any reported incident of sexual harassment to determine whether the complainant has been subjected to any further sexual harassment.

The administrator/supervisor having reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect will report such conduct in accordance with state law and board policy JLF (Student Welfare) on reporting child abuse or neglect.

Obligations of All Employees and Students

All employees and students will report to their immediate supervisor or teacher, respectively, any conduct on the part of non-employees, such as sales representatives, service vendors, or employees from another district, etc. which is believed to constitute sexual harassment. The supervisor or teacher will report this information in writing to the supervisor of the non-employee for investigation. This information must also be reported to the appropriate principal and the director of personnel.

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 any appropriate governmental agency.

The district prohibits any action to discourage any student from reporting alleged sexual harassment.

The district prohibits retaliation in any way against an employee or student who has provided information as a witness to an incident of sexual harassment.

Issued 1/25/16

Current

AR JIAA-R Sexual Harassment of Students

Issued 1/16

These procedures are intended to do the following:

- discourage employees and students from sexually harassing students of the district
- promote a harassment-free school environment
- remedy in a speedy manner any consequences of sexual harassment
- establish ongoing education and awareness of the problem of sexual harassment
- provide information about how to resolve claims of sexual harassment

Definition of Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature under the following conditions:

- Submission to such conduct is made either expressly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by an individual is used as a basis for educational decisions affecting a student.
- Such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile, or offensive school environment.

Sexual harassment may include, but is not limited to, verbal harassment, including sexually offensive comments or slurs; physical harassment; physical interference with movement or work; or visual harassment such as sexually offensive cartoons, drawings, posters, images, or video.

Not all behavior with sexual connotations constitutes sexual harassment under federal law. In order to qualify as a complaint under Title IX, sexual harassment must be sufficiently severe, persistent, or pervasive that it does one of the following:

- adversely affects a student's education
- creates a hostile or abusive educational environment

A one time incident must be severe to rise to the level of sexual harassment.

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.

Behavior Prohibited of All Employees

No employee may condition an individual student's education, educational benefit, or educational opportunity on the student's acquiescence to any of the sexual behaviors defined above.

No employee may retaliate against any student because that student has filed a complaint, testified, assisted, or participated in any manner in a sexual harassment investigation, proceeding, or hearing conducted by an authorized agency.

No employee will tolerate a sexually hostile or offensive school environment created by any other employee or student who engages in sexual harassment.

No employee will destroy evidence relevant to an investigation of sexual harassment.

Behavior Prohibited of All Employees and All Students

No employee or student of this district will create a sexually hostile or offensive school environment for any other student by engaging in any sexual harassment.

No employee or student of this district will assist any individual in doing any act which constitutes sexual harassment against any other student.

Obligations of Administrators/Supervisors

Preventive action

The district policy on sexual harassment and this administrative rule will be referenced in employee and student handbooks.

All administrators/supervisors will give a copy of district policy on sexual harassment and this administrative rule to all employees. The district will give a copy of the student handbook to all students.

The district policy on sexual harassment and this administrative rule will be available in each school's media center and the district office.

Annually, administrators/supervisors will ensure that the provisions of the district policy on sexual harassment and this administrative rule, as well as an orientation on the definition of sexual harassment, the procedures for registering a complaint about sexual harassment, and the redress available are reviewed with all employees and students. With regard to students, such review and orientation will take into consideration, and be appropriate to, the students' ages.

The district will make information from the U. S. Department of Education, Office of Civil Rights (OCR) about filing claims of sexual harassment with OCR available through the personnel office.

Annually, the administrators/supervisors will attend a training session on sexual harassment which will cover the definition of sexual harassment, the district's commitment to eliminating and avoiding sexual harassment in the schools, the penalties for engaging in sexual harassment, and the procedures for reporting incidents of sexual harassment.

Investigative/corrective action

Any student who feels that he/she has been the object of sexual harassment is encouraged to file a complaint with the student's principal (except for situations covered in the following paragraph). Such a complaint may be filed by the student's parent/legal guardian.

Under no circumstances will a student be required to first report allegations of harassment to the principal if that person is the individual the student is accusing of the harassment. In such cases, the student or the student's parent/legal guardian will contact the director of personnel.

The administrator/supervisor will, within three working days, initiate an investigation of any incident of alleged sexual harassment reported to them or observed by them. Personnel will maintain confidentiality throughout the investigation. Only those who have an immediate need to know may be provided the identity of the complainant.

Upon the completion of the investigation, the administrator/supervisor will report in writing the results of any investigation of sexual harassment, including corrective or disciplinary action taken, to the personnel director and to the complainant and/or the complainant's parent/legal guardian.

If an employee or student is determined to have sexually harassed a student, the administrator/ supervisor will take whatever disciplinary action he/she determines is warranted, up to and including termination of an employee or expulsion of a student.

Even if the employee has been terminated or the student expelled, the administrator/supervisor will follow up within three months of any reported incident of sexual harassment to determine whether the complainant has been subjected to any further sexual harassment.

The administrator/supervisor having reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect will report such conduct in accordance with state law and board policy JLF (Student Welfare) on reporting child abuse or neglect.

Obligations of All Employees and Students

All employees and students will report to their immediate supervisor or teacher, respectively, any conduct on the part of non-employees, such as sales representatives, service vendors, or employees from another district, etc. which is believed to constitute sexual harassment. The supervisor or teacher will report this information in writing to the supervisor of the non-employee for investigation. This information must also be reported to the appropriate principal and the director of personnel.

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 any appropriate governmental agency.

The district prohibits any action to discourage any student from reporting alleged sexual harassment.

The district prohibits retaliation in any way against an employee or student who has provided information as a witness to an incident of sexual harassment.

Issued 1/25/16

JIAA-E Discrimination or Harassment Complaint Form

Name of complainant _____

Address _____

Telephone number _____

School _____

Name(s) of alleged harasser(s) _____

Approximate date(s) of alleged discrimination/harassment or when began, if on-going

Location or situation where alleged discrimination/harassment occurred or is occurring

Nature of the discrimination/harassment

Other individual(s) in whom you have confided about the alleged discrimination/harassment

Individuals you believe may have witnessed or also been subjected to, the alleged discrimination/harassment

Remedy sought

Signature of complainant

Date

Signature of individual receiving complaint

Date

Current

FILE: JIAA-E

**SEXUAL HARASSMENT
FORMAL COMPLAINT FORM**

Name of student complainant: _____

Address: _____

Phone number: _____

Parent's name: _____

School: _____

Grade: _____

Name(s) of alleged harasser(s): _____

Approximate date(s) of alleged harassment or when harassment began, if ongoing:

Location or situation where alleged harassment occurred, or is occurring:

Nature of the harassment:

Name and position of individual who conducted your informal consultation:

Other individuals in whom you have confided about the alleged sexual harassment:

Individuals you believe may have witnessed, or also been subjected to, the alleged sexual harassment: _____

Remedy sought: _____

Signature of complainant or
Complainant's parent/legal guardian

Date

Signature of individual receiving complaint

Date