Policy

#### SEXUAL DISCRIMINATION, HARASSMENT, AND

#### RETALIATION (STUDENTS)

*Code* **JIAA** *Issued* **DRAFT/19**

The district is committed to maintaining a learning environment free from sexual discrimination and harassment that is based on a student’s race, religion, sex, color, disability, age (40 or older), national origin, or any other applicable status protected by local, state, or federal law. In keeping with this commitment, the district will not tolerate sexual discrimination or harassment of students by any person, including, but not limited to, other students, staff, volunteers, or visitors. Further, the district will not tolerate retaliation against a person who has made a report or filed a complaint alleging sexual discrimination or harassment or who has participated as a witness in a sexual discrimination or harassment investigation.

This policy applies to behavior that takes place:

* in any school or district building or on any school or district premises before, during, or after school
* on any bus or other vehicle as part of a school activity
* during any school or district-sponsored activity or extracurricular activity
* at any time or place when the student is under the care of district staff
* at any time or place when the behavior can be reasonably expected to materially and substantially interfere with or disrupt the educational environment of the school

It also applies to behavior communicated in writing or electronically through telephones, cell phones, computers, or other telecommunication devices and includes text messaging, instant messaging, and social media. In the situation that the behavior originated from a non-school computer or network, but has been brought to the attention of school officials, the decision for the district to take action in accordance with this policy will be based on whether the conduct is determined to be reasonably expected to materially and substantially interfere with or disrupt educational environment of the school.

All students and staff members are responsible for helping to ensure that sexual discrimination, harassment, and/or retaliation does not occur. If a student or staff member feels that he/she has experienced or witnessed sexual discrimination, harassment, or retaliation directed towards a student, he/she is immediately to notify his/her teacher, a supervisor or building-level principal, or file a formal complaint with the district’s compliance officer as outlined in the administrative rule associated with this policy. A staff member who does not promptly report what he/she reasonably believes to be sexual discrimination, harassment, or retaliation may be subject to disciplinary action.

Reports of sexual discrimination, harassment, or retaliation may be made anonymously, but formal disciplinary action will not be taken solely on the basis of an anonymous report. The district will investigate all sexual discrimination, harassment, and retaliation reports impartially, thoroughly, and promptly and take immediate and proportionate corrective action to end the sexual discrimination, harassment, and/or retaliation and prevent the reoccurrence of similar misconduct. Investigations will occur even if the alleged victim does not file a complaint directly or wish to see action taken by district or school administration. On an individualized and appropriate basis, interim measures may be taken following receipt of a complaint to minimize the risk of harm to all parties and to prevent against continued sexual discrimination, harassment, and/or retaliation.

**Confidentiality**

To the fullest extent practicable, while ensuring a thorough and impartial investigation, the district will keep reports and the terms of their resolution confidential, including the names of individuals who submit reports, witnesses who provide information regarding reports, and the targets of such reports. All records generated under the terms of this policy and related administrative procedures will be maintained with utmost confidentiality to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the complaint process will be advised that their identities may be disclosed to the party being accused of inappropriate conduct.

Parents/Legal guardians of any student making a complaint or against whom any complaint is made will be notified as soon as possible following the filing of the complaint.

**Discipline**

Students whose behavior is found to be in violation of this policy will be subject to discipline and graduated consequences, up to and including expulsion consistent with policy JICDA, *Code of Conduct*.

Staff members found in violation of this policy will be subject to disciplinary action, up to and including termination and may be referred to law enforcement officials, as appropriate.

Visitors or volunteers found in violation of this policy will be subject to appropriate sanctions as imposed by the superintendent or board and may be referred to law enforcement officials, as appropriate.

**Notification**

Notice of this policy will be circulated to all district schools and departments and incorporated in student handbooks. At the beginning of each school year, the information in this policy and its associated administrative rule will be provided to staff members, students, parents/legal guardians. Information provided to students will be presented in a manner appropriate to the student’s age, grade, and comprehension level.

Cf. JICFAA

Adopted ^

Legal References:

1. United States Code of Laws, as amended:
2. Age Discrimination Act of 1975, 42 U.S.C.A. Section 6101, *et seq*.
3. American with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq*.
4. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et seq*.
5. Title II of the Americans with Disabilities Act, 42 U.S.C.A. Section 12132.
6. Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, *et seq*.
7. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, *et seq*.
8. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et seq*.

B. S.C. Code of Laws, 1976, as amended:

1. Section 16-3-755 - Sexual battery with a student.