

SEXUAL HARASSMENT AND RETALIATION (STUDENTS)

Code **JIAA** Issued **9/20**

Spartanburg Four is committed to maintaining a learning environment free from sexual discrimination and harassment. In keeping with this commitment, the district will not tolerate sexual harassment of students in the education program or any district activity (including admission) by any person, including, but not limited to, other students, staff members, volunteers, or visitors. Further, the district will not tolerate retaliation against a person who has made a report or filed a complaint alleging sexual harassment or who has participated as a witness in a sexual 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 mail, 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 the educational environment of the school. While the behavior may not be considered a violation of Title IX, it should be treated as a violation of district policy and the applicable code of conduct.

All students and staff members are responsible for helping to ensure that sexual harassment does not occur. If a student or staff member feels that he/she has experienced or witnessed sexual harassment directed towards a student, he/she will immediately notify a teacher, supervisor or building-level principal, and/or file a formal complaint with the district's Title IX coordinator 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 harassment may be subject to disciplinary action.

Reports of sexual harassment 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 harassment reports impartially, thoroughly, and promptly and take immediate and proportionate corrective action to end the sexual harassment and prevent the reoccurrence of similar misconduct. Investigations may occur even if the alleged victim does not file a complaint directly or does not 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 continued sexual harassment or retaliation.

Confidentiality

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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 individuals named in 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, specifically the Family Educational Rights and Privacy Act (FERPA). Confidentiality, however, cannot be guaranteed. All complainants proceeding through the complaint process will be advised that their identities will 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 practical 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, consistent with district policy, including GBEB, *Staff Conduct* and GBEBB, *Staff Conduct with Students*.

Visitors or volunteers found in violation of this policy will be subject to appropriate sanctions 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 placed on our website. At the beginning of each school year, the information in this policy and its associated administrative rule will be provided to staff members, students, and 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 9/2020

Legal References:

A. United States Code of Laws, as amended:

1. Age Discrimination Act of 1975, 42 U.S.C.A. Section 6101, *et seq.*
2. American with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et seq.*
3. Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et seq.*
4. Title II of the Americans with Disabilities Act, 42 U.S.C.A. Section 12132.
5. Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, *et seq.*
6. Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, *et seq.*
7. 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.