



Agenda

Board of Trustees

Regular Meeting

Location: Spring Hill High School, Multipurpose Room

Video Livestream: <https://lexrich5.rev.vbrick.com/#/webcasts/boardmeeting>

March 8, 2021

1. Call to order at 5:30 p.m.
2. Approval of the agenda
3. Enter Executive Session to consider the following:
 - a. Selected employment items (*Exhibit A*) (Action)
 - b. Selected employment items (*Exhibit B*) (Information Only)
 - c. Receipt of Legal Advice Regarding One Construction Contract
 - d. Receipt of Legal Advice Regarding Outstanding Sewer Tap Issues
 - e. Receipt of Legal Advice Regarding Financial Information Related to Capital Financing
4. Call to order at 7:00 p.m.
5. Welcoming remarks – Jan Hammond, Board Chair
6. Invocation – Rebecca Blackburn Hines, Board of Trustees
7. Pledge of Allegiance – Rebecca Blackburn Hines, Board of Trustees
8. Board Spotlight
 - SkillsUSA Presentation
9. Superintendent's Report (Action as necessary)
 - 2020-2021 School Reentry Overview: Part XIII
10. Approval of the minutes of the March 1, 2021 board meeting
11. Public Participation*

ACTION AGENDA

12. Action as Necessary or Appropriate on Matters Discussed in Executive Session
13. COVID-19 Related Sick Leave (FFCRA / EPSLA) *(Exhibit C)*
14. First Reading Proposed FY 2021-2022 Capital Budget *(Exhibit D)*

DISCUSSION AGENDA

15. Discussion and First Reading approval of proposed revisions to Board Policy GBAA "Sexual Discrimination and Harassment", and new Board Exhibit GBAA-E "Sex/Gender Discrimination or Harassment Complaint Form" *(Exhibit E)*
16. Discussion and First Reading approval 2021-2022 Board Meeting Schedule *(Exhibit F)*
17. Adjourn

INFORMATION AGENDA

18. Revisions to Board Policy GBAA-R (Information only)
19. The next regular scheduled board meeting will be March 22, 2021 at Irmo Middle School.

**The Board welcomes and encourages public participation. We respectfully ask that you adhere to the procedures and the decorum provided in board policy BEDH "Public Participation at Meetings". Your comments should be limited to three minutes. Questions asked during public participation will be handled in accordance with board policy BEDH.*

COVID-19 NOTICE: Due to federal and state social distancing guidelines, seating capacity at our school board meeting will be limited. The district will live stream board meetings to provide virtual viewing options. Masks will be required.



Minutes
Board Meeting – March 1, 2021

The Board of Trustees of School District Five of Lexington and Richland Counties conducted an in-person meeting at Dutch Fork Middle School with the following members present:

Mrs. Rebecca Blackburn Hines
Mrs. Nikki Gardner, Secretary
Mrs. Jan Hammond, Chair
Mr. Matt Hogan (*Absent*)
Mrs. Catherine Huddle
Mr. Ken Loveless, Vice Chair
Mr. Ed White
Dr. Christina Melton, District Superintendent

The following staff members attended:

Mr. Todd Bedenbaugh, Executive Director of Operations
Mrs. Katrina Goggins, Director, Office of Communications (*Absent*)
Mr. Michael Guliano, Chief Instructional Officer
Dr. Michael Harris, Chief Planning and Administrative Officer
Mrs. Marty Rawls, Chief Finance Officer
Dr. Tamara Turner, Chief Human Resources Officer

A livestream video link was provided to the public for the meeting.

Mrs. Hammond called the meeting to order at 7:15 p.m. and offered welcoming remarks. Board member, Mr. Ed White, gave the invocation and also led the Pledge of Allegiance.

During the Superintendent's Report, Dr. Melton presented the 2020-2021 School Reentry Overview, Part XII presentation, with no new recommendations. Dr. Harris provided Redistricting Exemptions for 2021-2022. A Flexible Innovative Virtual Education (FIVE) 2021-2022 Update was provided. Lastly, a Human Resources Report was provided which highlighted teacher recruitment efforts.

During public participation, the following students spoke: Savannah Stephens and Laken Robinson. Kim Murphy spoke regarding FOIA violations. Stephanie Lipford spoke regarding reentry and teacher breaks. Debbie Goodman read a teacher's statement. Heather Tucker, Beth Hutchison and Leslie Stiles spoke regarding board decisions and board focus.

Action Agenda

Action as necessary or appropriate on matters discussed in Executive Session.

Discussion Agenda

Proposed FY 2021-2022 Capital Budget.

Discussion and Possible Action regarding the actions of a Trustee in relation to his/her relationships with current and potential District vendors.

The following board members submitted items for the record (attached): Ken Loveless, Ed White, Rebecca Blackburn Hines and Cathy Huddle.

The meeting adjourned at 10:30 p.m.

Record of Voting



**School District Five
of
Lexington and Richland Counties**

Meeting of March 1, 2021

	Blackburn Hines	Gardner	Hammond	Hogan	Huddle	Loveless	White
1. M. Blackburn Hines S. Huddle Approve the agenda							
M. Gardner S. Loveless I move to amend the motion to suspend the rules as stated to allow each board member one (1) minute to speak/comment on board agenda item #13.	N	X	N	A	X	X	N
Vote on original motion	X	X	X	A	X	X	X
2. M. Blackburn Hines S. Huddle Enter Executive Session to discuss: a. Selected employment items (Exhibit A) (Action) b. Selected employment items (Exhibit B) (Information Only) c. Receipt of Legal advice re: Contract for Substitutes	X	X	X	A	X	X	X
3. M. Huddle S. Blackburn Hines I move that we approve making Piney Woods Elementary School a School of Choice for the 2021-2022 school year and that we put on the agenda in the next two meetings a full review of the School of Choice program.	X	X	X	A	X	X	X
4. M. Gardner S. Blackburn Hines I move that we approve the Tier I recommendation: First grade through 12 th grade with high school (9-12) having a modified model of instruction for the Flexible Innovative Virtual Education program (FIVE) for 2021-2022.	X	X	X	A	X	X	X

A = Absent
AB = Abstain
N = No
X = Yes
R = Recuse

5.	M. Gardner	S. Blackburn Hines	Approve the minutes of the February 8, 2021 board meeting.						
	M. Huddle	S. Loveless	I move to amend the minutes of the February 8, 2021 Board Meeting and exclude the first attachment submitted by Mr. White because the attachment exceeds the ten (10) page limit rule by seven (7) pages.	N	X	X	A	X	X
			Vote on original motion	X	X	X	A	X	X
6.	M. Loveless	S. Gardner	I move that we approve the selected employment items as discussed in Executive Session under Exhibit A.	X	X	X	A	X	X
7.	M. Huddle	S. Gardner	I move that due to the issues with the daily rates of pay for some substitute teachers, payments exceeding the contract rates per Exhibit A of the contract, that we ratify the contract through June 30, 2021 per Procurement Code section 1240.1 and that furthermore since the ratification is needed we direct the superintendent to follow Procurement Code section 1240.2 "Corrective Action" and present the required information to the board at our next meeting. <i>(No vote taken)</i>	-	-	-	A	-	-
	M. Huddle	S. Gardner	<i>(Modified Motion)</i> I move that we continue our existing processes as it relates to contracting for substitute teachers pending more information on that process from the superintendent or her staff at the first board meeting of April.	X	X	X	A	X	X
8.	M. Huddle	S. Gardner	Adjourn at 10:30 p.m.	X	X	X	A	X	X
				Blackburn Hines	Gardner	Hammond	Hogan	Huddle	Loveless
									White

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State of South Carolina State Ethics Commission

CHILDS C. THRASHER, CHAIR
DONALD GIST, VICE CHAIR
BRIAN M. BARNWELL



AJ HOLLOWAY
DON JACKSON
BRANDOLYN THOMAS PINKSTON

201 EXECUTIVE CENTER DRIVE, SUITE 150
COLUMBIA, S.C. 29210

MEGHAN L. WALKER
EXECUTIVE DIRECTOR

February 22, 2021

VIA ELECTRONIC MAIL ONLY

Kenneth B. Loveless
228 Lookout Pointes Drive
Chapin, SC 29036
ken@lovelesscontracting.com

Re: Informal Opinion Request

Dear Mr. Loveless:

Thank you for your request for an informal opinion from the State Ethics Commission (Commission). An informal opinion is the opinion of Commission staff, taking into consideration any applicable formal opinions, law, and/or judicial decisions. Please be advised that an informal opinion is not binding on the Commission. Additionally, the Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act). This opinion is based solely on the facts relayed by you and does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation. A failure to disclose relevant information may void the opinion.

ISSUE

On February 18, 2021, you presented the following:

As you know, I serve on the board of trustees for the School District 5 of Lexington-Richland Counties and had previously requested that the SC Ethics Commission issue guidance on recusal from certain matters. I sought guidance after other board members accused me during open session September 14, 2020.

Some members took issue with me not recusing myself from discussions pertaining to the Piney Woods Elementary School Construction Project. However, the agenda for the September 14, 2020 meeting was set by others. The presenter was a vendor, the construction manager at risk, Contract Construction, Inc. (general contractor).

Attachment #1, pg 1 is included with
the minutes of the 3-1-2021
meeting, at the request of Board member
Ken Loveless
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

February 22, 2021

The presentation went without much discussion. I asked one question about the number of change orders received as of that date.

Next under the Discussion Agenda was an item entitled "District Construction." It was there that I was basically subjected to public trial for not having recused myself from the previous Discussion Agenda item, Piney Woods. I was dismayed at the accusations and decided to ask guidance of the Commission.

The guidance I received was provided by you as General Counsel in a letter dated September 25, 2020. Your letter provided guidance requested in response to my letter dated September 21, 2020. The letter was couched in terms of possible future events as might occur in the normal course of business for my occupation: employee and stockholder of a general contracting corporation.

No other updates or discussions of the Piney Woods school project have occurred since the September 14, 2020 meeting. I did attend a walk-through for all board members hosted by the school superintendent last month. It was and is my intention to recuse myself when any contract discussion of Contract Construction, Inc. is on the agenda. No discussion of Contract Construction, Inc. or its contract with the District has been on the agenda since December 8, 2019.

At the last school board meeting February 8, 2021[1], I decided to formally recuse myself via a letter to the Board Chair Janis Hammond as follows:

Re: Recusal of Kenneth B. Loveless on certain matters

Dear Mrs. Hammond:

In accordance with the requirements of SC Code Section 8-13-700(B)(1), I am advising you, as Chairperson of the Board of Trustees for School District Five of Lexington and Richland Counties, of my affiliation with Contract Construction, Inc. My affiliation with Contract Construction, Inc. is that the company with which I am employed and a stockholder, Loveless Commercial Contracting, Inc. operates as a contractor on the S.C. Law Enforcement Division Forensics Lab project, Columbia, SC. The association began on March 12, 2020 and will end at the completion of the construction project.

Please be advised that effective immediately, I will recuse myself from any and all votes, deliberations, and other actions on any matter that comes before the Board of Trustees related to Contract Construction, Inc.

Please publish my statement to the Board and the public at the Board's next meeting on February 8, 2021 and include a copy of this statement with the minutes of that meeting.

Attachment #1, pg 2 is included with
the minutes of the 2-7-2021
meeting, at the request of Board member
Ken Loveless
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

February 22, 2021

Yours Truly,

Kenneth B. Loveless
Vice Chairman of the Board of Trustees

In light of the above and the information provided, I ask you to formally provide rulings upon:

- (1) I believe recusal is a matter of personal perspective. It is not for other members of the board to question or have a right to demand recusal. Am I correct in that statement?
- (2) Provided that there are no additional projects or business ties, I believe that I have a right to end recusal when the contract relationship at the SC Law Enforcement Division Forensic Lab Project between Contract Construction, Inc. and Loveless Commercial Contracting Inc. has been completed. Am I correct in that belief?
- (3) I believe that I should be allowed in the normal course of duties and responsibilities of a school board trustee to visit Piney Woods Elementary School or any other district construction site and to receive and review those projects and corresponding records as they pertain to the nature of the physical construction product which the district has or is to receive. In reference to ethics under SC Code 8-13-700. Am I correct in that belief?

LAW

Section 8-13-700 states, in part:

- (A) No [public official] may knowingly use his official [office] to obtain an economic interest for himself, a family member, an individual with whom he is associated, or a business with which he is associated . . .
- (B) No [public official] may make, participate in making, or in any way attempt to use his [office] to influence a governmental decision in which he, a family member, an individual with whom he is associated, or a business with which he is associated has an economic interest. A [public official] who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a family member, an individual with whom he is associated, or a business with which he is associated shall:
 - (1) prepare a written statement describing the matter requiring action or decisions and the nature of his potential conflict of interest with respect to the action or decision;

Attachment #1, pg 3 is included with
the minutes of the 3-1-2021
meeting, at the request of Board member
Ken Loveless
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.

- (4) if he is a public official, other than a member of the General Assembly, he shall furnish a copy of the statement to the presiding officer of the governing body of an agency, commission, board, or of a county, - municipality, or a political subdivision thereof, on which he serves, who shall cause the statement to be printed in the minutes and require that the member be excused from any votes, deliberations, and other actions on the matter on which the potential conflict of interest exists and shall cause the disqualification and the reasons for it to be noted in the minutes.

Section 8-13-100(4) defines "business with which he is associated" as:

[a] business of which the person or a member of his immediate family is a director, an officer, owner, employee, a compensated agent, or holder of stock worth more than one hundred thousand dollars or more at fair market value and which constitutes five percent or more of the total outstanding stock of any class.

DISCUSSION

Based on the facts presented in your September 2020 request for an informal opinion, Contract Construction is a "business with which [you are] associated" for purposes of the Ethics Act. As I stated in my September 25, 2020 response, this means that whenever you are faced with a scenario in which Contract Construction has an economic interest, you must recuse yourself following the instructions in Section 8-13-700(B). Keeping that in mind, I have answered your questions below in turn:

1. I believe recusal is a matter of personal perspective. It is not for other members of the board to question or have a right to demand recusal. Am I correct in that statement?

Recusal is mandated by law in certain circumstances, such as when you, your family members, or any individuals or businesses with which you are associated have an economic interest. It is outside the scope of the Ethics Act as to what public officials have a right to question, but you are correct that the ultimate decision to recuse belongs to the public official. If a public servant fails to properly recuse himself from circumstances that require recusal, that public servant subjects himself to a possible enforcement action by the Commission.

2. Provided that there are no additional projects or business ties, I believe that I have a right to end recusal when the contract relationship at the SC Law Enforcement Division Forensic Lab Project between Contract Construction, Inc. and Loveless Commercial Contracting Inc. has been completed. Am I correct in that belief?

Correct. Once the conflict no longer exists, recusal is no longer required.

3. I believe that I should be allowed in the normal course of duties and responsibilities of a school board trustee to visit Piney Woods Elementary School or any other district

Attachment #1, pg 4 is included with the minutes of the 3-1-2021 meeting, at the request of Board member Ken Loveless pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

February 22, 2021

construction site and to receive and review those projects and corresponding records as they pertain to the nature of the physical construction product -which the district has or is to receive. In reference to ethics under SC Code 8-13-700. Am I correct in that belief?

When disqualification is required, you should not discuss the matter or take any action on it that could be perceived as an attempt to influence the governmental decision. Section 8-13-700 does not simply prohibit voting or taking other official action, but prohibits the public official from making, participating in making, or in any way attempting to use his public office to influence the governmental decision. In fact, the Commission has held that a mere discussion in executive session by a public servant about a matter in which his wife had an economic interest violated Section 8-13-700. See Complaints 97-035 and 97-036. Therefore, you should not make site visits to the Piney Woods Elementary School construction site, nor should you review invoices or any other documents related to this project. Similar activities at other District construction sites are not prohibited as long as you are not recused from those projects.

I hope this is responsive to your request. Keep in mind that this opinion only relates to future conduct and is not intended to apply to events that may have already occurred. Thank you for contacting the Commission. If you have any questions or need anything further, please do not hesitate to contact me.

Sincerely,



Courtney M. Laster
General Counsel

Attachment #1, pg 5 is included with
the minutes of the 3-1-2021
meeting, at the request of Board member
Ken Loveless
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.



Edward White <ewhite@lexrich5.org>

Officer's Agenda Meeting Summary

1 message

Nikki Gardner <ngardner@lexrich5.org>

Wed, Feb 17, 2021 at 7:30 PM

To: Janis Hammond <jhammond@lexrich5.org>

Cc: Christina Melton <csmelton@lexrich5.org>, Erin Strange <estrangle@lexrich5.org>

Bcc: ewhite@lexrich5.org

This email been BLIND COPIED to all board members.

Hello board members,

At our Tuesday evening Officer's Agenda meeting we were able to take all of the submitted agenda items that we received beforehand and put them on our next few meetings. I thank each of you for agreeing to the new process and making it easier for us to prioritize concerns and also to keep track of them.

Feb 22 DRAFT of agenda will include the following along with our usual items:

- 1) Kelly Services contract
- 2) Human Resources report
- 3) Redistricting Exemptions
- 4) Capital Budget - questions from Cathy have been forwarded to Dr. Melton to address if possible before the meeting.
- 5) Re-entry & COVID relief funds discussion

Mar 8 DRAFT of agenda will include the following along with our usual items:

- 1) Legal advice regarding construction matter - requested by Ken
- 2) Legal advice about sewer taps - requested by Cathy
- 3) Possibly an emergency policy concerning leave - requested by Dr. Melton
- 4) Capital Budget First Reading - New CFO will be in place by this reading & this may be the time to discuss our expectations for monthly budget updates as requested by Cathy.
- 5) Discussion & First Reading of Sexual Harassment Policy updates - requested by Dr. Melton & administration
- 6) Board Meeting schedule - to be put together by Katrina Goggins for us to approve
- 7) Officer's Meetings & Agenda Procedure - as requested by Ed & Nikki

In order to accommodate the other agenda requests we will be holding a Board Training Workshop on Ethics facilitated by Megan Walker, Executive Director of SC State Ethics Commission. Jan will coordinate with Megan to secure a date. Agenda items will include 1) PWES & other schools inspection rights &/or violations, 2) Educating board on proper procedures and instructions in board meetings as pertaining to etiquette, 3) legal opinions on the legal liability of past actions of the board when there was possible personal benefit involved.

Items of importance still upcoming:

- 1) Committees to work on procurement, policies, and construction
- 2) Board Goals Workshop
- 3) Legislative Event - yearly event with our local public officials that has historically been poorly attended and was a breakfast held at the district office. Jan is hopeful we can still make this happen this year and will be coordinating a location in the evening. She will be asking for help:) Possibly the 15th or the 29th of March.

If there is anything missing on here that you have asked about please let me know. These are only draft agendas as of now and as always, I will remind everyone, the board chair has the final say on our agenda.

Thank you,
Nikki Garder

Attachment #2, pg1 is included with
the minutes of the 3-1-2021
meeting, at the request of Board member
Ed White

pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.



Attachment #3, pg 1 is included with the minutes of the 3-1-2021 meeting, at the request of Board member Ed White
pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Board Meeting Agenda ITEM REQUEST

Date of Submittal to Chair: 2/16/2021, 2/2/2021

Agenda Item Subject: Board Member's Demand to Supervise and Inspect PWES

Approval/Vote Requested? Y/N

Depends but probably so.

Purpose:

- Avoid liability to District.

- Ensure competent, quality assessed

- Avoid compromising Contractual Rights of District.

- Avoid political bias.

Background:

Incidents with PWES during 2020.

Financial Impact (attach additional documents as needed):

Alternatives:

Hire 3rd Party that has credentials and free from political bias to inspect.

Recommendation:

Follow policies for Review of Buildings as detailed by Board Chair in 2020 for the Board.



Attachment #4, pg 1 is included with the minutes of the 3-1-2021 meeting, at the request of Board member Ed White pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

Board Meeting Agenda ITEM REQUEST

Date of Submittal to Chair: 2/16/2021, 2/2/2021

Agenda Item Subject: Requirement that Board Officers Meetings Be Open To the Public

Approval/Vote Requested? Y/N

Purpose: Yes. Vote to Make Public and if that fails a vote to seek an attorney general's opinion

Background: → Comply with current legal standards, Transparency.

Financial Impact (attach additional documents as needed):

Alternatives: less than the cost of a lawsuit if the public sues to require compliance with open meeting laws

Recommendation:

Open Board Officers Meetings Immediately to the Public.

Rebecca Blackburn Hines Statement.

In a business environment, a professional workplace is necessary for long-term success. Interactions and relationships are of vital importance to ensure that goals and objectives are met. Leaders who behave professionally set an appropriate example by encouraging others to conduct themselves in a manner that supports the success for all. This is just as true for a school district and school board as it is for a business.

I have served on this board since November 16th, 2020. 106 days. In 106 days, this board – who has 3 brand new members, 2 members with 2 years of experience and 2 veteran members (both without much officer experience) has had 5 board meetings, 2 special called meetings, 2 board workshops, 1 conference, dealt with struggles of reentry during a pandemic, rezoned lines for an elementary school, and have fielded hundreds of emails and phone calls.

Specifically related to this discussion item on the agenda and professionalism, there have been several conversations about potential ethical concerns in regards to board members. Of note, one of the concerns that I have raised is the relationship of a board member and a vendor. I was unaware of this relationship until shortly prior to joining the board. Once on the board, I witnessed several emails requesting information which raised concerns for me. Policy changes have been made which could impact some of these ethical concerns. My concerns have been based upon fact. The fact is, we now have TWO advisory opinions that expressly state that a certain board member could not participate in conversations (or anything) relating to an ongoing project within our district. My actions have made in an earnest attempt to both inform fellow trustees of the obligation we have to maintain the public's trust, and to also protect all of my colleagues from potential infractions of this opinion that may lead to violations of ethics law.

I have made no statements outside of official meetings, and do not choose to engage on social media. This is done in attempt to meet the expectations that we are held to by board policy and out of respect for the integrity of my fellow board members.

Unfortunately, by seeking to protect our district and by doing the right thing, (which has been validated by the Ethics Commission) I am be attacked by members of this board.

Last week, my actions during recent meetings were made reference to on social media in a thinly veiled inference by a fellow board member, and my character and

Attachment #5, pg 1 is included with the minutes of the 3-1-2021 meeting, at the request of Board member Rebecca Blackburn Hines pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

integrity were called into question. I cannot, and will not stand for this; both for myself and any of my colleagues.

I have been told by a board member that I am “choosing the wrong side” by seconding motions. I have been cursed out by a board member’s spouse. Instead of having reasonable conversations, a board member has taken to sending me screen shots of social media posts via text. By insinuating conversations that have not occurred. By maligning my integrity and character on social media with untrue statements. Flat out lies.

Let me be clear. I am no one’s enabler. And my thoughts and opinions are not for sale. I would hope the case is the same for every other member on this board.

This public display of divisiveness does little to benefit our mission and objectives as a school board, and in fact has only led to increased hostility among our constituency. As I reflected about these events, I found myself looking to other public bodies who serve localities such as ours. Very rarely do you see representatives from our respective county and town councils engage in such behaviors publicly, with such frequency. I wish to continue encouraging all of our trustees to work together to advance the causes of our district and represent all of our constituents. We are and should be held to a higher standard because of the office we occupy, myself included.

What we cannot continue to do is engage in a petty display of divisiveness where baseless claims against one or more trustees are perpetuated by others. The public we represent deserves transparency and accountability, and the best way we can address these needs is through cooperation and an open display of trust within our own system of governance through our established board policies.

We function as a board and we all need to be better.

Attachment #5, pg 2 is included with the minutes of the 3-1-2021 meeting, at the request of Board member Rebecca Blackburn Hines pursuant to South Carolina Code Ann. Section 30-4-90(a)(4) and Board Policy BEDG. The Board majority did not approve, disapprove, or otherwise act upon the contents of this attachment.

3/1/2021

I believe that our board and our entire community are tired of ethics concerns among board members detracting from our duty to focus on the business of our district.

Personally, in addition to obtaining an ethics opinion when asked, I think all board members with current or past relationships with district vendors whether personal, familial or through a business they are an equity owner, should issue a written statement disclosing any such relationships.

I would also like to see all board members go on the record as to whether he or any member of their family or person or business with whom they are associated or aware of, participated in the incorporation, funding or activities of the organization Positive Voices for District 5 Success. Attached is the Articles of Incorporation for this organization filed by Erik Norton. Positive Voices for District 5 Success is the organization that sent mailers during the last election in support of two candidates for school board, including a newspaper title The Education Reporter which included an article criticizing two sitting board members. Despite clearly funding election activities, Positive Voices for District 5 Success has not filed a statement of Organization or any other reports with the SC Ethics Commission.

I believe that any board member that truly has the interests of our school district at heart, will clear up, once and for all, in writing, any past or present relationships with District Five vendors and any knowledge of or participation in the campaign mailer criticizing fellow board members.

Attachment #6, pg 1 is included with
the minutes of the 3-1-2021
meeting, at the request of Board member
Catherine Huddle
pursuant to South Carolina Code
Ann. Section 30-4-90(a)(4)
and Board Policy BEDG. The Board majority
did not approve, disapprove, or otherwise
act upon the contents of this attachment.



Memorandum

To: Members of the Board of Trustees

Through: Dr. Christina S. Melton
Superintendent

From: Tamara D. Turner, Ed.D.
Chief Human Resources Officer *Tamara Turner, Ed.D.*

Date: March 4, 2021

Re: March 8, 2021 Board Meeting
Action Item
Approval: COVID-19 Related Sick Leave (FFCRA / EPSLA)

Item: COVID-19 Related Sick Leave (FFCRA / EPSLA)

Background: On December 31, 2020, the Families First Coronavirus Response Act (FFCRA) and the federally required paid sick leave requirements expired as a result of Congress failing to reauthorize the Act. While school districts are no longer federally required to provide these COVID-19 related leave rights, there is adequate federal funding from the Elementary and Secondary School Emergency Relief (ESSER) funds to cover leave for school district employees in 2021. On January 25, 2021, the Board passed a motion that allows the administration to create an emergency plan using ESSER funds to ensure those that need to take paid leave for COVID-19 related issues may do so through June 30, 2021.

Recommendation: The administration recommends that the Board approve the emergency plan presented by the Administration this evening to ensure that employees who need to take time off for their own illness related to COVID-19 or for the quarantine or illness of their children related to COVID-19 may take such leave through June 30, 2021.

I will be present to answer any questions you may have regarding the paid leave for COVID-19.

TDT:aw



EXHIBIT D

MEMORANDUM

To: Members of the Board of Trustees

Through: Christina S. Melton, Ed. D., Superintendent

From: Todd Bedenbaugh, Executive Director of Operations
Clay Cannon, Director of Facilities Operations

Date: March 3, 2021

Re: March 8, 2021 Board Meeting
Action Item
Proposed FY2022 Five (5) Year Capital Budget Plan

Handwritten signatures in blue ink, including one that appears to be 'Todd Bedenbaugh' and another that appears to be 'Clay Cannon'.

The Proposed Five (5) Year Capital Budget Plan will be presented.

Administrative Consideration: The five year proposal is based on the projected amount of funds available at the current millage rate. Although this is a five year plan, an updated proposal will be presented annually for Board approval. However, approval of the proposed Five (5) Year Capital Plan is requested, so staff can continue to allocate labor and effort towards the accomplishment of the overall plan.

Recommendation: The administration recommends the approval of the first reading of the proposed Five (5) Year Capital Budget Plan.

CC/tl

Attachment



EXHIBIT E

Memorandum

To: Members of the Board of Trustees

Through: Christina S. Melton, Ed.D.
Superintendent

From: Tamara D. Turner, Ed.D. 
Chief Human Resources Officer

Date: March 4, 2021

Re: March 8, 2021 Board Meeting
Discussion Items
Discussion and First Reading of Proposed Revisions to Board Policy GBAA
Discussion and First Reading of Proposed New Board Exhibit GBAA-E

Items:

- (1) Discussion and First Reading of proposed revisions to Board Policy **GBAA "Sexual Discrimination and Harassment"**
- (2) Discussion and First Reading of new Board Exhibit **GBAA-E "Sex/Gender Discrimination or Harassment Complaint Form"**

Recommendation: The administration recommends that the Board of Trustees approve the proposed revisions of Board Policy GBAA and add Board Exhibit GBAA-E in order to proceed to Second Reading and Final approval.

I will be present at the Board Meeting to answer any questions you may have regarding this information.

TDT/aw

Attachments - GBAA - (Original Policy/Policy Revisions)
GBAA-E (New Exhibit)

Policy GBAA Sexual Discrimination and Harassment

Issued 9/10

Purpose: To establish the board's vision for a working environment free of sexual harassment.

Definition of sexual harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature under the following circumstances.

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education
- submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education
- that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment)

Sexual harassment (staff)

The district will not tolerate or condone sexual harassment in the workplace. The board considers sexual harassment to be a major offense which may result in disciplinary action or dismissal of the offending employee.

Unwelcome sexual advances, requests for sexual favors, or other sexual conduct, either verbal or physical, constitutes sexual harassment under the following circumstances.

- The harasser requires the employee to submit to the conduct as an explicit or implicit condition of employment, status or promotion.
- The harasser uses the employee's submission to, or rejection of, the conduct as a basis for an employment decision.
- The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.
- The employee's submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.

An employee who feels that he/she is being harassed should immediately report such incident to his/her immediate supervisor or the appropriate personnel department official. Nothing in district policy requires the employee alleging sexual harassment to present the matter to the person who is the subject of the complaint.

The district will promptly and thoroughly investigate all complaints of sexual harassment. All complaints will be confidential and only those persons necessary for the investigation and resolution of the complaint will be given information about it. The district prohibits retaliation or reprisal in any form against an employee who has filed a complaint of sexual harassment.

Sexual harassment (students)

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.

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the following occurs.

- 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 [policy JJ](#) and [administrative rule](#) . All allegations will be investigated promptly and confidentially. The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of sexual harassment.

Any employee or student who is found to have engaged in sexual harassment 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 all other appropriate steps to correct or rectify the situation.

The administration will develop and distribute guidelines which implement the provisions of this policy concerning the reporting, investigation and resolution of complaints of sexual harassment.

Adopted 1/21/91; Revised 4/26/92, 2/1/93, 12/6/93, 5/22/95, 9/22/97, 9/23/02, 8/25/08, 9/27/10

Legal references:

Federal statutes:

Title IX of the Education Amendments of 1972, [20 USC Section 1681](#), *et seq*, - Prohibits discrimination on the basis of sex by any educational program or activity receiving federal funds.

Court cases:

United States Supreme Court:

[Jackson v. Birmingham Board of Education](#), No. 02-1672 (U.S. March 29, 2005).

[Burlington Northern and Santa Fe Railway v. White](#), 126 S. Ct. 2405 (U.S. June 22, 2006).

School District Five of Lexington and Richland Counties

RECOMMENDED REVISIONS – DISCUSSION: MARCH 8, 2021

Policy

EMPLOYEE SEX/GENDER ~~SEXUAL~~ DISCRIMINATION AND HARASSMENT

Code GBAA Issued _____

It is the board's expectation that all personnel conduct themselves in a professional manner and respect other district employees, students, parents/legal guardians and third parties at all times. In this regard, the board prohibits sex/gender discrimination and harassment and other 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 JIA.

All employees, including supervisory level employees, must avoid any action or conduct which could be viewed as sex/gender discrimination or 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 as a cell phone, computer, or other telecommunication device, and includes text messaging and social networking.

Sex/gender discrimination is defined as unfair, unjust or prejudicial treatment of a person related to a person's sex (including gender identity, sexual orientation, and pregnancy, childbirth, and any related medical conditions) in any aspect of employment.

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 a sexual nature with a student occurs when an employee (1) makes a sexually suggestive advance toward a student; (2) makes a request for a sexual favor from a student; or (3) engages in a relationship of a sexual nature with a student.

Any employee who believes another employee or a student has directed inappropriate conduct of a sexual nature toward him/her is encouraged to file a complaint in accordance with the administrative rule that accompanies this policy. Any employee who has knowledge that an employee or a student has directed inappropriate conduct of a sexual nature towards another employee or student should also file a complaint. All allegations will be investigated promptly and confidentially. Employees who file a complaint of inappropriate conduct of a sexual nature by another employee or a student will not be subject to retaliation or reprisal in any form.

Sexual harassment of employees consists of unwelcome verbal, non-verbal or physical

conduct related to a person's sex (including gender identity, sexual orientation, and pregnancy, childbirth, and any related medical conditions) under the following circumstances:

- submission to such conduct is made either expressly or impliedly a condition of employment
- submission to or rejection of such conduct by an individual is used as the basis for any employment decisions affecting the individual
- such conduct has the purpose or effect of unreasonably interfering with the employee's work performance or creating an intimidating, hostile or offensive working environment

Any employee who believes he/she has been subjected to sex/gender discrimination or harassment is encouraged to file a complaint in accordance with the administrative rule that accompanies this policy. All allegations will be investigated promptly and confidentially. Employees who file a complaint of sexual harassment 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.

~~Purpose: To establish the board's vision for a working environment free of sexual harassment.~~

~~Definition of sexual harassment~~

~~Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature under the following circumstances.~~

- ~~submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education~~
- ~~submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education~~
- ~~that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently~~

~~serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment)~~

~~Sexual harassment (staff)~~

~~The district will not tolerate or condone sexual harassment in the workplace. The board considers sexual harassment to be a major offense which may result in disciplinary action or dismissal of the offending employee.~~

~~Unwelcome sexual advances, requests for sexual favors, or other sexual conduct, either verbal or physical, constitutes sexual harassment under the following circumstances.~~

- ~~• The harasser requires the employee to submit to the conduct as an explicit or implicit condition of employment, status or promotion.~~
- ~~• The harasser uses the employee's submission to, or rejection of, the conduct as a basis for an employment decision.~~
- ~~• The harassment substantially interferes with an employee's work performance or creates an intimidating, hostile or offensive work environment.~~
- ~~• The employee's submission to, or rejection of, the conduct is the basis for any decision affecting benefits, services, honors, programs or other available activities.~~

~~An employee who feels that he/she is being harassed should immediately report such incident to his/her immediate supervisor or the appropriate personnel department official. Nothing in district policy requires the employee alleging sexual harassment to present the matter to the person who is the subject of the complaint.~~

~~The district will promptly and thoroughly investigate all complaints of sexual harassment. All complaints will be confidential and only those persons necessary for the investigation and resolution of the complaint will be given information about it. The district prohibits retaliation or reprisal in any form against an employee who has filed a complaint of sexual harassment.~~

~~Sexual harassment (students)~~

~~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.~~

~~Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when the following occurs.~~

- ~~• 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 policy JI and administrative rule. All allegations will be investigated promptly and confidentially. The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of sexual harassment.~~

~~Any employee or student who is found to have engaged in sexual harassment 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 other appropriate steps to correct or rectify the situation.~~

~~The administration will develop and distribute guidelines which implement the provisions of this policy concerning the reporting, investigation and resolution of complaints of sexual harassment.~~

Adopted 1/21/91; Revised 4/26/92, 2/1/93, 12/6/93, 5/22/95, 9/22/97, 9/23/02, 8/25/08, 9/27/10, __/__/20

Legal references:

A. Federal statutes:

1. Title IX of the Education Amendments of 1972, 20 USC Section 1681, *et seq.* – Prohibits discrimination on the basis of sex ~~by any educational program or activity receiving federal funds.~~
2. 42 U.S.C. 2000e – Prohibits discrimination in employment on the basis of race, color, national origin, religion, or sex.
3. Title VII of the Civil Rights Act of 1964, as amended.

~~B. United States Supreme Court:~~

- ~~1. Jackson v. Birmingham Board of Education, No. 02-1672 (U.S. March 29, 2005).~~
- ~~2. Burlington Northern and Santa Fe Railway v. White, 126 S. Ct. 2405 (U.S. June 22, 2006).~~

RECOMMENDED NEW BOARD EXHIBIT - DISCUSSION: MARCH 8, 2021

GBAA-E Sex/Gender Discrimination or Harassment Complaint Form

Name of employee complainant _____

Address _____

Telephone number _____

Position with the District _____

Job site _____

Immediate supervisor _____

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



Memorandum

To: Members of the Board of Trustees

From: Katrina Goggins 
Director, Office of Communications

Date: March 3, 2021

Re: Discussion Item/First Reading Approval
2021-2022 School Board Meeting Schedule

Recommendation:

The administration recommends that the “Proposed 2021-2022 School Board Meeting Schedule” proceed to final approval.

Per Board Policy BE, “The board will normally meet twice monthly, usually on the second and fourth Mondays. The annual meeting schedule must be approved in advance by the board. Meetings will be held at various school locations including the Center for Advanced Technical Studies on a rotational basis at the discretion of the superintendent and board officers. Meetings may also be held at the district office as needed. In unusual circumstances, the superintendent may change the time and place of the regular meeting, or any regular meeting, upon approval by board officers.”

Key features of the Proposed 2021-2022 School Board Meeting Schedule include:

- Two meetings a month except for July, November, December & April
- June & July meetings - Typically, scheduled at the Center for Advanced Technical Studies or the District Office (due to construction projects at the schools)

Once approved by the board, School District Five’s school board meeting schedule will be posted on the website and shared with staff and families directly using the district’s automated messaging system.



DRAFT

Please note this is a draft. A final version of the 2021-2022 meeting schedule will be approved by the Board of Trustees.

2021-2022 Meeting Schedule
School District Five of Lexington and Richland Counties
Board of Trustees

Date	Location*
July 12, 2021	Center for Advanced Technical Studies
August 9, 2021	Center for Advanced Technical Studies
August 23, 2021	Spring Hill High
September 13, 2021	Chapin Middle School
September 27, 2021	Irmo High
October 11, 2021	Dutch Fork Middle
October 25, 2021	Spring Hill High
November 15, 2021	Irmo High
December 13, 2021	Chapin Middle
January 10, 2022	Spring Hill High
January 24, 2022	Center for Advanced Technical Studies
February 7, 2022	Dutch Fork Middle
February 28, 2022	Spring Hill High
March 14, 2022	Irmo High
March 28, 2022	Dutch Fork Middle
April 25, 2022	Chapin Middle School
May 9, 2022	Irmo High
May 23, 2022	Dutch Fork Middle
June 13, 2022	Center for Advanced Technical Studies
June 27, 2022	Center for Advanced Technical Studies

**Please note locations are subject to changes, in accordance with School Board Policy BE.*



Memorandum

To: Members of the Board of Trustees

Through: Christina S. Melton, Ed.D.
Superintendent

From: Tamara D. Turner, Ed.D. 
Chief Human Resources Officer

Date: March 4, 2021

Re: March 8, 2021 Board Meeting
Information ONLY Item
Revisions to Board Policy GBAA-R

Revisions to Administrative Rule GBAA-R "Sexual Discrimination and Harassment"

I will be present at the Board Meeting to answer any questions you may have regarding this information.

TDT/aw

Attachment – GBAA-R (Original Policy/Policy Revisions)

AR GBAA-R Sexual Discrimination and Harassment

Issued 9/10

Sexual harassment of employees

These procedures are intended to do the following.

- discourage employees from sexually harassing any other employee of the district
- promote a harassment-free work 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 pursue claims of sexual harassment

Definition of sexual harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual nature when the following occurs.

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education
- submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education
- that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment)

Sexual harassment may include, but is not limited to, the following.

- verbal harassment, including epithets, sexually offensive comments or slurs
- physical harassment
- physical interference with movement or work
- visual harassment from any source including social and/or electronic media 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.

Behavior prohibited of administrators/supervisors

No administrator/supervisor may condition any employment, employee benefit or continued employment on the employee's acquiescence to any of the sexual behavior defined above.

No administrator/supervisor may retaliate against any employee because that employee has filed a complaint, testified, assisted or participated in any manner in a sexual harassment investigation, proceeding or hearing

conducted by an authorized investigative agency.

No administrator/supervisor will tolerate a sexually hostile or offensive work environment created by any subordinate employee who engages in sexual harassment.

No administrator/supervisor will destroy evidence relevant to an investigation of sexual harassment.

Behavior prohibited of all employees

No administrator/supervisor or any other employee of this district will create a sexually hostile or offensive work environment for any other employee by engaging in any sexual harassment.

No administrator/supervisor or any other employee of this district will assist any individual in doing any act which constitutes sexual harassment against any other employee. (Reference policy JI and administrative rule).

Obligations of administrators/supervisors

Preventive action

A copy of the district's sexual harassment policy and this administrative rule will be distributed to all employees and referenced in the personnel handbook.

A copy of the policy and administrative rule will be available in each school's media center and the district office.

On an annual basis, administrative/supervisors will review with all employees the definition of sexual harassment, the procedures for registering a complaint about sexual harassment and the redress which is available.

The human resource office will make available information from the Equal Employment Opportunity Commission and the South Carolina Human Affairs Commission about filing claims of sexual harassment with these entities.

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

Investigative/Corrective action

Any employee who feels that he/she has been the object of sexual harassment is encouraged to file a complaint with his/her immediate supervisor (except for situations covered below).

Under no circumstances will an employee be required to first report allegations of harassment to an administrator/supervisor if that person is the individual who is accused of the harassment. In such cases, the employee will contact the chief human resource services officer.

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. Confidentiality will be maintained throughout the investigation. Only those who have an immediate need to know may be provided the identity of the complainant.

The investigation will be completed as soon as practicable, which generally should be not later than 10 calendar days after receipt of the report by the administrator/supervisor. If the administrator/supervisor determines that more than 10 days will be required to investigate the complaint, the complainant and the accused will be notified of the reason for the extended investigation and the date by which the investigation will be concluded.

Within three working days 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 associate superintendent for personnel and to the complaining employee.

The administrator/supervisor will, at minimum, issue a written reprimand to any employee determined to have sexually harassed any other employee. The administrator/supervisor will take whatever other disciplinary action he/she determines is warranted, up to and including termination.

Under no circumstances will an administrator/supervisor retaliate in any way against an employee who has provided information as a witness to an incident of sexual harassment.

All administrators/supervisors will follow up within three months of any reported incident of sexual harassment to determine whether the victim has been subjected to any sexual harassment.

Obligations of all employees

All employees will report to their immediate supervisor 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 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/or assistant superintendent for personnel management.

All employees will cooperate with and maintain the confidentiality of any investigation of alleged acts of sexual harassment conducted by the district or by any appropriate state or federal agency.

No employee of this district will take any action to discourage any other employee from reporting alleged sexual harassment.

Retaliation in any way against an employee who has provided information as a witness to an incident of sexual harassment is prohibited.

Issued 12/6/93; Revised 8/25/08, 9/27/10

School District Five of Lexington and Richland Counties

REVISIONS – INFORMATION ONLY: MARCH 8, 2021

Administrative Rule

EMPLOYEE SEX/GENDER ~~SEXUAL~~ DISCRIMINATION AND HARASSMENT

Code GBAA-R Issued _____

These procedures are intended to do the following:

- discourage employees from subjecting employees or students of the district to sexual harassment or inappropriate conduct of a sexual nature
- provide, at the lowest possible level, prompt and equitable resolutions to complaints based on sex/gender discrimination or harassment
- promote a harassment-free work and/or learning 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 JIA.

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

Sex/gender discrimination involves treating an applicant or employee unfavorably because of that person's sex, including discrimination against an individual because of gender identity, sexual orientation or because of pregnancy, childbirth or related medical conditions. Sexual harassment of employees includes unwelcome sexual advances, requests for sexual favors, or other verbal, non-verbal or physical conduct of a sexual nature which does any of the following:

- is made an employment condition so that submission to such conduct is a term or condition of employment
- has an employment consequence, so that submission to or rejection of such conduct is used as a basis for employment decisions affecting an individual employee
- is an offensive job interference, so that such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment

Sexual harassment may include, but is not limited to, the following:

PAGE 2 – GBAA-R – EMPLOYEE SEX/GENDER SEXUAL DISCRIMINATION AND HARASSMENT

- verbal harassment including epithets, 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 opposite sex as well as against members of the 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 Administrators/Supervisors

No administrator/supervisor may condition any employment, employee benefit, or continued employment on the employee's agreement to any of the sexual behavior defined above.

No administrator/supervisor may retaliate against any employee because that employee has opposed a practice prohibited by Title VII of the Civil Rights Act of 1964 and the South Carolina Human Affairs Law or has filed a complaint, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing conducted by an authorized agency.

No administrator/supervisor will cause or tolerate the creation of a sexually hostile or offensive work environment by any subordinate employee or third party associated with schools who engages in sexual harassment.

No administrator/supervisor will destroy evidence relevant to an investigation conducted pursuant to this policy.

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

Inappropriate conduct of a sexual nature with students 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 comments
- teasing and/or bullying in sexual terms
- inflicting sexual assault or abuse
- any other behavior by an employee toward a student that would reasonably cause

the student to feel uncomfortable or that 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 same sex or 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 gender. These types of sex-based harassment are also prohibited.

Behavior Prohibited of All Employees

No administrator, supervisor, or any other employee of this District will create a sexually hostile or offensive work environment for any employee by engaging in any sex/gender discrimination or harassment or inappropriate conduct of a sexual nature.

No administrator, supervisor, or any other 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 administrator, supervisor, or any other employee of this District will encourage or assist any individual in performing any act that constitutes sex/gender discrimination or harassment or inappropriate conduct of a sexual nature against any employee or student.

Preventive Action

The administration will ensure the following on an annual basis:

- Policy GBAA and this administrative rule will be fully referenced in employee handbooks and/or a copy will be provided to each employee.
- Policy GBAA and this administrative rule will be available online at _____ in each school, and at the District office.
- All employees 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 sex/gender discrimination and 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

PAGE 4 – GBAA-R – EMPLOYEE SEX/GENDER SEXUAL DISCRIMINATION AND HARASSMENT

such incidents; and the procedures for conducting a sexual 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.

The District office will make available information from the Equal Employment Opportunity Commission and the South Carolina Human Affairs Commission about filing claims of sex/gender discrimination or harassment with these entities.

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

Reporting and Response Procedures

Any employee who believes that he/she has been the object of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature is encouraged to file a complaint with his/her immediate supervisor or principal in accordance with this policy (except for situations covered below) See attached Complaint Form.

Any employee who believes that he/she has witnessed inappropriate conduct of a sexual nature toward an employee or a student must immediately report such a situation to his/her immediate supervisor or principal (except for situations covered below).

Under no circumstances will an employee be required to first report allegations of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature to his/her immediate supervisor if that person is the individual who is accused of such conduct. In those cases, the employee will file the complaint with the District's Title IX coordinator.

All administrators/supervisors/contact persons 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, in consultation with the District's Title IX coordinator. 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 administrators/supervisors will report to the Title IX coordinator and/or superintendent in writing the results of any investigation of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature, including corrective or

PAGE 5 – GBAA-R – EMPLOYEE SEX/GENDER SEXUAL DISCRIMINATION AND HARASSMENT

disciplinary action taken. 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 administrators/supervisors 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 employee has been subjected to any further discriminatory, harassing or inappropriate sexual conduct since the corrective action was taken.

No administrator/supervisor 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 or 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

All employees will report to their immediate supervisor any conduct on the part of any 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, which is believed to constitute sex/gender discrimination or harassment or inappropriate conduct of a sexual nature.

Any employee who has received information in his/her professional capacity which gives him/her reason to believe that a child under the age of 18 has been or may be sexually abused by an employee or third party must report such a situation. The employee must make the report to either the appropriate law enforcement agency or to the County Department of Social Services. If such a report is made, the employee must also advise either his/her principal or the District's Title IX coordinator.

All employees 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 an appropriate state or federal 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 of this District will take any action to discourage any other employee or student from reporting alleged sex/gender discrimination or harassment or inappropriate conduct of a sexual nature. Any person who intentionally provides false information in connection with a report or investigation of such an allegation will be subject to disciplinary action.

No employee will retaliate in any way against an employee or student who has provided information regarding an incident of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature.

All employees will be informed about the nature of sex/gender discrimination and 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 such conduct and should know how to address and/or investigate complaints. For example, they should be made aware of the kinds of acts that constitute sex/gender discrimination, sexual harassment and inappropriate conduct of a sexual nature; the District's commitment to eliminating and preventing such conduct in the schools; the penalties for engaging in sex/gender discrimination or harassment or inappropriate conduct of a sexual nature; the procedures for reporting incidents of sex/gender discrimination or harassment and inappropriate conduct of a sexual nature; and the procedures for conducting such investigations.

Sexual harassment of employees

These procedures are intended to do the following.

- discourage employees from sexually harassing any other employees of the district
- promote a harassment-free work 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 pursue claims of sexual harassment

Definition of sexual harassment

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication

PAGE 7 – GBAA-R – EMPLOYEE SEX/GENDER SEXUAL DISCRIMINATION AND HARASSMENT

~~of a sexual nature when the following occurs:~~

- ~~• submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or education~~
- ~~• submission to or rejection of the conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education~~
- ~~• that conduct or communication substantially or unreasonably interferes with an individual's employment or education, or creates an intimidating, hostile or offensive employment or educational environment (i.e. the conduct is sufficiently serious to limit a student's or employee's ability to participate in or benefit from the educational program or work environment)~~

~~Sexual harassment may include, but is not limited to, the following:~~

- ~~• verbal harassment, including epithets, sexually offensive comments or slurs~~
- ~~• physical harassment~~
- ~~• physical interference with movement or work~~
- ~~• visual harassment from any source including social and/or electronic media 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.~~

~~Behavior prohibited of administrators/supervisors~~

~~No administrator/supervisor may condition any employment, employee benefit or continued employment on the employee's acquiescence to any of the sexual behavior defined above.~~

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

~~No administrator/supervisor will tolerate a sexually hostile or offensive work environment created by any subordinate employee who engages in sexual harassment.~~

~~No administrator/supervisor will destroy evidence relevant to an investigation of sexual harassment.~~

~~Behavior prohibited of all employees~~

~~No administrator/supervisor or any other employee of this district will create a sexually hostile or offensive work environment for any other employee by engaging in any sexual harassment.~~

~~No administrator/supervisor or any other employee of this district will assist any individual~~

PAGE 8 – GBAA-R – EMPLOYEE SEX/GENDER SEXUAL DISCRIMINATION AND HARASSMENT

~~in doing any act which constitutes sexual harassment against any other employee. (Reference policy JI and administrative rule).~~

Obligations of administrators/supervisors

Preventative action

~~A copy of the district's sexual harassment policy and this administrative rule will be distributed to all employees and referenced in the personnel handbook.~~

~~A copy of the policy and administrative rule will be available in each school's media center and the district office.~~

~~On an annual basis, administrative/supervisors will review with all employees the definition of sexual harassment, the procedures for registering a complaint about sexual harassment and the redress which is available.~~

~~The human resource office will make available information from the Equal Employment Opportunity Commission and the South Carolina Human Affairs Commission about filing claims of sexual harassment with these entities.~~

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

Investigative/Corrective action

~~Any employee who feels that he/she has been the object of sexual harassment is encouraged to file a complaint with his/her immediate supervisor (except for situations covered below).~~

~~Under no circumstances will an employee be required to first report allegations of harassment to an administrator/supervisor if that person is the individual who is accused of the harassment. In such cases, the employee will contact the chief human resource services officer.~~

~~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. Confidentiality will be maintained throughout the investigation. Only those who have an immediate need to know may be provided the identity of the complainant.~~

~~The investigation will be completed as soon as practicable, which generally should not be later than 10 calendar days after receipt of the report by the administrator/supervisor. If the administrator/supervisor determines that more than 10 days will be required to investigate the complaint, the complainant and the accused will be notified of the reason for the extended investigation and the date by which the investigation will be concluded.~~

~~Within three working days 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 associate superintendent for personnel and to the complaining employee.~~

~~The administrator/supervisor will, at minimum, issue a written reprimand to any employee determined to have sexually harassed any other employee. The administrator/supervisor will take whatever other disciplinary action he/she determines is warranted, up to and including termination.~~

~~Under no circumstances will an administrator/supervisor retaliate in any way against an employee who has provided information as a witness to an incident of sexual harassment.~~

~~All administrators/supervisors will follow up within three months of any reported incident of sexual harassment to determine whether the victim has been subjected to any sexual harassment.~~

Obligations of all employees

~~All employees will report to their immediate supervisor 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 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/or assistant superintendent for personnel management.~~

~~All employees will cooperate with and maintain the confidentiality of any investigation of alleged acts of sexual harassment conducted by the district or by any appropriate state or federal agency.~~

~~No employee of this district will take any action to discourage any other employee from reporting alleged sexual harassment.~~

~~Retaliation in any way against an employee who has provided information as a witness to an incident of sexual harassment is prohibited.~~

Adopted 12/6/93; Revised 8/25/08, 9/27/10, __/__/20
