TITLE IX SEXUAL HARASSMENT

The St. Martin Parish School Board desires to provide a safe school environment that allows all students equal access and opportunities in the School District's academic, extracurricular, and other educational support programs, services, and activities. The School Board does not discriminate on the basis of sex in the education program or activity that it operates. The School Board is required by Title IX of the Education Amendments of 1972 (Title IX) and Part 106 of Title 34 of the United States Code of Federal Regulations not to discriminate on the basis of sex in the education program or activity that it operates, including admission and employment. The School Board recognizes that sexual harassment is a form of discrimination on the basis of sex and the School Board prohibits sexual harassment as defined by Title IX and Part 106 of Title 34 of the United States Code of Federal Regulations.

Any person may report discrimination based on sex, including sexual harassment, in person, by mail, by telephone, or by electronic mail to the School Board's Title IX Coordinator at any time, including during non-business hours. Any School Board employee who has actual knowledge of sexual harassment must report the conduct to the Title IX Coordinator. The St. Martin Parish School Board's Title IX Coordinator's name and contact information is provided to applicants for admission and employment, students, parents or legal guardians, school students, employees, and published in the *Student Code of Conduct*, and on the School Board's website. Reports of and inquiries regarding unlawful sex discrimination may also be made to the Assistant Secretary for Civil Rights of the U.S. Department of Education, 400 Maryland Ave., SW, Washington, DC 20202-1100, Email: ocr@ed.gov, 1-800-421-3481. The School Board's Title IX Coordinator shall be authorized to coordinate the School Board's Title IX obligations.

DEFINITIONS

As used in this policy:

Actual knowledge means notice of sexual harassment or allegations of sexual harassment to the any employee of the School Board. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the School Board with actual knowledge is the respondent.

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the School Board investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the St. Martin Parish School Board with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under and by any additional method designated by the School Board. As used in this paragraph, the phrase *document filed by a complainant* means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the School Board) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator shall not be a complainant or otherwise a party to any grievance procedure, and shall at all times comply with Title IX and Part 106 of Title 34 of the United States Code of Federal Regulations.

Notice means whenever any employee: witnesses sexual harassment; hears about sexual harassment or sexual harassment allegations from a complainant (i.e., a person alleged to be the victim) or a third party (e.g., the complainant's parent, friend, or peer); receives a written or verbal complaint about sexual harassment or sexual harassment allegations; or by any other means.

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the St. Martin Parish School Board conditioning the provision of an aid, benefit, or service of the St. Martin Parish School Board on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the St. Martin Parish School Board's education program or activity; or

3. *Sexual assault* as defined in 20 USC 1092, *dating violence* as defined in 34 USC 12291, *domestic violence* as defined in 34 USC 12291, or "stalking" as defined in 34 USC 12291.

Supportive measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the School Board's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the School Board's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The School Board shall maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the School Board to provide the supportive measures. The Title IX Coordinator shall be responsible for coordinating the effective implementation of supportive measures.

COVERAGE

This policy applies to all students, employees and non-employee volunteers, to the elected members of the School Board, and to all students of the St. Martin Parish School District. It applies at school, and locations, events, or circumstances over which the School Board has exercised substantial control over both the respondent and the context in which sexual harassment occurs.

TITLE IX COORDINATOR

The Superintendent shall designate and authorize a "Title IX Coordinator" to coordinate the St. Martin Parish School Board's efforts to comply with Title IX and Part 106 of Title 34 of the United States Code of Federal Regulations. The Title IX Coordinator shall undergo and receive all training required by Part 106 of Title 34 of the United States Code of Federal Regulations. The name, office address, electronic mail address, and telephone number of the Title IX Coordinator shall be published as required by Part 106 of Title 34 of the United States Code of Federal Regulations.

RESPONSE TO SEXUAL HARASSMENT

If the St. Martin Parish School Board has actual knowledge of sexual harassment in an education program or activity, then the Title IX Coordinator shall be informed and the Title IX Coordinator shall offer supportive measures and follow the grievance procedures adopted pursuant to this policy.

The Superintendent and/or the Title IX Coordinator shall develop and maintain a Title IX Grievance Procedure that complies with 34 CFR 106.45, including investigation of any incident of which it has actual knowledge. The Title IX Grievance Procedure shall include the procedures to appeal any determination regarding sexual harassment under Title IX.

Nothing shall preclude the School Board from removing a respondent from the School Board's education program or activity on an emergency basis, provided that an individualized safety and risk analysis determines an immediate threat to the physical health or safety of a complainant, student, or other individual arising from the allegations of sexual harassment justifies immediate removal. Neither shall the School Board be precluded from placing a non-student employee respondent on administrative leave during the pendency of the grievance process developed according to this policy. In both such instances the respondent shall be provided with notice and an opportunity to challenge the decision contemporaneously with or immediately following the removal. This provision shall not be construed to modify any rights under Section 504 of the Rehabilitation Act of 1973 or the Americans with Disabilities Act or regulations promulgated thereunder.

TITLE IX RECORDKEEPING

The St. Martin Parish School Board shall retain for a period of seven (7) years records of each sexual harassment investigation including any determination regarding responsibility, any appeal and the result therefrom, any informal resolution and the result therefrom, and all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process.

For any response to actual knowledge of sexual harassment, the Title IX Coordinator shall create and maintain for a period of seven (7) years, records of any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance the Title IX Coordinator shall document the basis for a conclusion that its response

was not deliberately indifferent and document the measures designed to restore or preserve equal access to the School Board's education program or activity. If no supportive measures were provided to a complainant, then the Title IX Coordinator shall document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

NONRETALIATION

Neither the St. Martin Parish School Board nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX or Part 106 of Title 34 of the United States Code of Federal Regulations, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for other policy violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or Part 106 of Title 34 of the United States Code of Federal Regulations, constitutes retaliation.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited by this policy. Charging an individual with a policy violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

CONFIDENTIALITY

The St. Martin Parish School Board shall keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 USC 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging

retaliation may be filed according to the grievance procedures for sex discrimination as set forth in this policy.

SUSPECTED CHILD ABUSE

If the victim of the alleged sexual harassment is a minor student and if the alleged harassment falls within the definition of *abuse* as found in School Board policy *JGCE, Child Abuse*, then all school employees with knowledge shall be considered *mandatory reporters* and the allegations must be reported to child protection or law enforcement as provided by state law and School Board policy. Such reporting shall be made in addition to any procedures for handling sexual harassment complaints.

New policy: November 4, 2020

Ref: 42 USC 2000e *(Civil Rights-Definitions)*
29 CFR 1604.11 *(Guidelines on Discrimination Because of Sex-Sexual Harassment)*
34 CFR 106 et seq. (*Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance*)
La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 17:81
Board minutes, 11-4-20

St. Martin Parish School Board