

*Policy*

**STUDENT SEX/GENDER DISCRIMINATION AND HARASSMENT**

*Code JCDAE-R Issued 3/16/22*

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These procedures are intended to do the following:

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

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

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

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

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

Sexual harassment may include, but is not limited to:

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

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

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

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

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

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

### **Behavior Prohibited of All Employees and Students**

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

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

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

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

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

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

### **Preventive Action**

The administration will ensure the following on an annual basis:

- Policy JCDAE and this administrative rule will be fully referenced in student handbooks and/or a copy will be provided to each student.
- Policy JCDAE and this administrative rule will be available online at [www.lancastercsd.com](http://www.lancastercsd.com), in each school and at the District office.
- All students will be informed about the nature of sex/gender discrimination or harassment and inappropriate conduct of a sexual nature, the procedures for registering a complaint, and the possible redress that is available.

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

Annually, administrators/supervisors will ensure that the provisions of the District policy on sex/gender discrimination and harassment and inappropriate conduct of a sexual nature and this administrative rule as well as an orientation on the definition of sex/gender discrimination and harassment and inappropriate conduct of a sexual nature, the procedures for registering a

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complaint about such conduct, and the redress which is available are reviewed with all employees and students. With regard to students, such review and orientation will take into consideration, and be appropriate to, the students' ages.

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

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

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

**Reporting and Response Procedures**

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

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

In cases involving potential criminal conduct or where a child's physical or mental health or welfare has been or may be adversely affected by sexual abuse, appropriate school personnel should report the situation to appropriate authorities in accordance with S.C. Code Section 63-7-310 and/or law enforcement in accordance with Section 59-24-60.

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

Upon receipt of a complaint, all principals/contact persons shall consult with the Title IX coordinator for guidance, and will within three working days, initiate an investigation of any incident of alleged sex/gender discrimination or harassment or inappropriate conduct of a sexual

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nature reported to them or observed by them, and consult with law enforcement, as appropriate. If a student alleges that he/she is the victim of sex/gender discrimination or harassment or inappropriate conduct of a sexual nature, the school promptly should attempt to notify the student's parent/legal guardian. The administration will be responsible for ensuring that reasonable efforts are made to prevent public disclosure of the names of all parties involved in the sex/gender discrimination or harassment or inappropriate conduct of a sexual nature allegation, except to the extent necessary to carry out an investigation and comply with statutory obligations.

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

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

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

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

**Record Keeping**

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

**Additional Obligations of All Employees and Students**

All employees and students will report to the principal, school contact persons, or in appropriate circumstances, the employee's immediate supervisor, any conduct on the part of non-employees,

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including, but not limited to, an individual working in the District through another agency or third party, a contractor, a sales representative, or a service vendor, which is believed to constitute sex/gender discrimination or harassment or inappropriate conduct of a sexual nature.

All employees and students will cooperate with and maintain the confidentiality of any investigation of alleged acts of sex/gender discrimination or harassment, or inappropriate conduct of a sexual nature, conducted by the District or by any appropriate governmental agency. Failure to do so could result in disciplinary action against the individual who failed to cooperate or who violated the confidentiality of the matter.

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

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

Adopted 3/15/22

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