

Sexual harassment policy

A learning and working environment that is free from sexual harassment will be maintained.

Authority

- ◆ No employee will harass a student through conduct or communications of a sexual nature as defined below.
- ◆ Also, no student will harass other students through conduct of communications of a sexual nature as defined below.

Definitions

- ◆ Unwelcome sexual advances, requests for sexual favors and other inappropriate oral, written or physical conduct of a sexual nature when made by a member of the school staff to a student or when made by any student to another student or employee constitute sexual harassment when
- ◆ submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's education;
- ◆ submission to or rejection of such conduct by an individual is used as the

basis for academic decisions affecting that individual; or

- ◆ such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile or offensive academic environment.

Sexual harassment, as defined above, may include but is not limited to

- ◆ verbal harassment or abuse;
- ◆ pressure for sexual activity;
- ◆ written contact including
 - sexually suggestive or obscene letters, notes, invitations or
 - computer terminal messages of a sexual nature;
- ◆ verbal contact including sexually suggestive or obscene comments, threats or jokes about a student or an employee;
- ◆ physical contact including
 - any intentional pats, squeezes, touching or pinching,
 - repeatedly brushing up against another's body,
 - assault,

- blocking movement or
- coercing sexual contact; and
- suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades.

Procedures

When a student feels that he has been a victim of sexual harassment, the student needs to verbally express to the accused that the harassment is unwanted.

- ◆ Any person who alleges sexual harassment by any staff member or student may use the district's complaint procedure or may complain directly to the building principal, assistant principal or guidance counselor.
 - The principal will be responsible for conducting a full investigation of the complaint.
 - The parents of the victim and the accused will be informed of the incident and the complaint.
- ◆ Filing a complaint or otherwise reporting sexual harassment will not reflect negatively upon the individual's status

nor will it affect future employment, grades or work assignment.

- ◆ The right to confidentiality, both of the complainant and of the accused, will be respected consistent with the district's obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has taken place.

Disciplinary action

- ◆ A substantiated charge against a staff member will subject the staff member to disciplinary action, including discharge.
- ◆ A substantiated charge against a student will subject that student to disciplinary action including suspension or expulsion, consistent with the Student Discipline Code.

Adopted Aug. 20, 1996

Constitutional & Statutory Provisions

Federal statutes

- Title IX of the Education Amendments of 1972

Harassment, intimidation, bullying policy

The board prohibits acts of harassment, intimidation or bullying of a student by students, staff and third parties.

These acts will include any act that interferes with or disrupt a student's ability to learn and the school's responsibility to educate its students in a safe and orderly environment whether

- ◆ in a classroom,
- ◆ on school premises,
- ◆ on a school bus or other school-related vehicle,
- ◆ at an official school bus stop,
- ◆ at a school-sponsored activity or event whether or not it is held on school premises, or
- ◆ at another program or function where the school is responsible for the student.

Harassment, intimidation or bullying is defined as

- ◆ a gesture,
- ◆ an electronic communication or
- ◆ a written, verbal, physical or sexual act reasonably perceived to have the effect of either of the following:
 - ◆ harming a student physically or emotionally,
 - ◆ damaging a student's property,
 - ◆ placing a student in reasonable fear of personal harm or property damage or
 - ◆ insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, orderly operation of the school.

Any student who feels he/she has been subjected to harassment, intimidation or bullying is encouraged to file a complaint in accordance with procedures established by the superintendent.

- ◆ Complaints will be investigated promptly, thoroughly and confidentially.
- ◆ All school employees are required to report alleged violations of this policy to the principal or his/her designee.
- ◆ Reports by students or employees may be made anonymously.
- ◆ The district prohibits retaliation or reprisal in any form against a student or employee who has filed a complaint or report of harassment, intimidation or bullying
- ◆ The district also prohibits any person from falsely accusing another as a means of harassment, intimidation or bullying.

The board expects students to conduct themselves in an orderly, courteous, dignified and respectful manner.

- ◆ Students and employees have a responsibility to know and respect the policies, rules and regulations of the school and district.
- ◆ Any student or employee who is found to have engaged in the prohibited actions as outlined in this policy will be subject to disciplinary action, up to and including expulsion in the case of a student or termination in

the case of an employee.

- ◆ Individuals may also be referred to law enforcement officials.
- ◆ The district will take all other appropriate steps to correct or rectify the situation.

The superintendent will be responsible for developing procedures for implementing this policy,

- ◆ ensuring notice of this policy is provided to students, staff, parents/legal guardians, volunteers and members of the community including its applicability to all areas of the school environment as outlined in this policy and
- ◆ ensuring that a process is established for discussing the district policy with students.

Adopted January 16, 2007

Constitutional & Statutory Provisions

South Carolina Code, 1976, as amended

- Section 16-3-510 – Organizations and entities revised.
- Section 59-19-90 – General powers and duties of school trustees.
- Sections 59-63-210 through 270 – Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities.
- Section 59-63-275 – Student hazing prohibited.
- Section 59-67-240 – Other duties of bus driver; discipline of students for misconduct.
- Section 59-63-110, et. seq. – Safe School Climate Act.

State Board of Education Regulations

- R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

Policy prohibits hazing by students or adults

The district prohibits hazing by students, staff and third parties as a part of any school-sponsored activity.

All students and employees must avoid any action that could be viewed as planning, directing, encouraging, assisting or engaging in any hazing activity.

Further, no administrator, coach, sponsor, volunteer or district employee will permit, condone or tolerate any form of hazing.

- ◆ For purposes of this policy, state law defines hazing as “the wrongful striking, laying open hand upon, threatening with violence or offering to do bodily

harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, OR other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature.”

- ◆ Any hazing activity, whether by an individual or a group, will be presumed to be a forced activity, even if a student willingly participates.
- ◆ Any student who feels he/she has been subjected to hazing is encouraged to file a complaint with the principal.
 - All complaints will be investigated promptly and confidentially.

The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of hazing.

- ◆ Any student or employee who is found to have engaged in hazing 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.
 - Individuals may also be referred to law enforcement officials.
 - The district will take all other appropriate steps to correct or rectify the situation.

Adopted April 20, 2004

Constitutional & Statutory Provisions

South Carolina Code, 1976, as amended

- Section 16-3-510 – Organizations & entities revised.
- Section 59-19-90 – General powers and duties of school trustees.
- Sections 59-63-210 through 270 – Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities.
- Section 59-63-275 – Student hazing prohibited.
- Section 59-67-240 – Other duties of bus driver; discipline of students for misconduct.

SC Board of Education Regulations

- R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.