

**Policy JB: Students Complaints of Sexual Discrimination / Harassment -- Title IX**

**Status:** DRAFT

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Title IX of the Education Amendments of 1972 is an anti-discrimination law that states no person in the United States, on the basis of sex, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. The policy of this Board forbids unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature amounting to or constituting harassment and/or discrimination against any student in the district. The Board of Education will not tolerate sexual harassment activity by any of its students.

The Jackson County School District has appointed an employee to serve as the Title IX Coordinator with the District. This person is authorized to coordinate the District's compliance efforts under this law. Because this policy is not amended each time the Title IX Coordinator changes, please contact the Superintendent, the Federal Program Director, or any Principal to request the name and contact information of the current Title IX Coordinator. The Title IX Coordinator is also identified with specificity in the District's student handbook, faculty handbook, and on the District website.

**DEFINITIONS:**

**"Actual knowledge"** means notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or to any student of the school district. All employees of the district are mandatory reporters under Title IX.

The **"complainant"** is the person who is alleged to be the victim of sexual harassment.

**"Deliberate indifference"** is when a district's response is clearly unreasonable in light of known circumstances.

An **"educational program or activity"** includes any location, event, or circumstance over which the educational institution exhibits substantial control over both the alleged harasser and the context in which the harassment occurred. This includes programs or activities which occur on-campus or off-campus and can involve the use of email, social media, or other technologies. 34 C.F.R. § 106.44(a)

A **"formal complaint"** of sexual harassment is defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the district investigate the allegations.

The **"respondent"** is the individual who has been reported to be the perpetrator of the sexual harassment.

**"Sexual harassment"** is defined as conduct on the basis of sex that meets one or more of the following:

1. An employee of the recipient conditioning the provision of an aid, benefit or service of the educational institution on an individual's participation in unwelcome sexual conduct (quid pro quo sexual harassment);
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 educational institution's education program or activity; or
3. Conduct on the basis of sex that meets one or more of the following: "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)(A)(v), "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30)

**"Supportive measures"** are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to a complainant or a respondent before or after the filing of a formal complaint or where a complaint has not been filed. Supportive measures should be designed to restore or preserve equal access to the educational program or activity without unreasonably burdening the other party. Examples of supportive measures include, but are not limited to:

1. Counseling
2. Course Modification
3. Schedule Changes
4. Increased Monitoring or Supervision

If the district does not offer supportive measures, the records should document why the response was not clearly unreasonable under the known circumstances.

#### **INDIVIDUALS AND CONDUCT COVERED:**

These policies apply to all students and employees of Jackson County School District, and third parties, persons hired to provide contracted services, and persons volunteering at school activities. Conduct prohibited by these policies is unacceptable in all academic, educational, extracurricular, athletic, and other programs of the school, whether those programs occur on campus, on a bus, or at another location away from campus. Individuals who violate these policies will be subject to disciplinary action, up to and including suspension or expulsion (if a student) or suspension or termination of employment (if any employee), and in egregious situations, law enforcement officials will be notified as required by law.

#### **PARENTAL INVOLVEMENT:**

Parents/Guardians of students have the right to act on behalf of the complainant, the respondent, or other individuals at any time.

The district will obtain consent from parents/guardians to initiate an investigation where the complainant or alleged victim is under age eighteen (18), and inform parents/guardians of the complainant that the complainant may be accompanied by a parent/guardian during all steps of the complaint procedure.

The Title IX Coordinator shall contact the parents/guardians and provide them with information regarding the report and Title IX sexual harassment procedures and grievance process for formal complaints.

#### **REPORTING:**

Any person may report sex discrimination or sexual harassment, regardless of whether the person is the alleged victim. These reports may be made in person, by mail, by telephone, or email to the Title IX Coordinator, or by any other means that results in receipt by the Title IX Coordinator. For K-12 educational institutions, an actual notice of sexual harassment is a notice of sexual harassment or allegations of sexual harassment made to any employee.

Consistent with Title IX, a school must respond when:

1. The school has actual knowledge of sexual harassment;
2. That occurred within the school's education program or activity;
3. Against a person in the United States.

Nothing in this policy or any other policy impedes or precludes a student, the student's parents, a school employee, or school officials from directly reporting to law enforcement officials any behavior that constitutes a violation of criminal law or any applicable laws.

It is prohibited to knowingly make a false discrimination, harassment, or retaliation report or provide false information in an investigation. Individuals who knowingly file a false or misleading complaint alleging harassment, discrimination or retaliation or provide false information in an investigation are subject to appropriate disciplinary actions.

#### **RETALIATION:**

The Jackson County School District encourages reporting all incidents of discrimination or harassment. Retaliation is prohibited against any person for the purpose of interfering with Title IX rights or because the person participated, or refused to participate, in any manner in a proceeding under Title IX regulations. The district must keep confidential the identity of a person who complains of or reports sexual harassment, including parties and witnesses, except as permitted by law to carry out the purpose of the regulations. 34 C.F.R. § 106.71

Retaliation against an individual for reporting harassment or discrimination or for participation in an investigation of a claim of harassment or discrimination is a serious violation of this policy and, like harassment or discrimination itself, will subject an individual to disciplinary action.

**RECORDS:**

Any records related to reports of sexual harassment must be kept for a minimum of seven (7) years, including:

1. Investigative Records
2. Disciplinary Records
3. Remedies
4. Appeals
5. Records of action taken including supportive measures

The district must also retain for seven (7) years any materials used to train Title IX Coordinators, investigators, decision-makers, and any employee designated to facilitate an informal process. Training materials will also be posted on the district website.

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