

District: Scott County School District
Section: J - Students
Policy Code: JB-P - Students Complaints of Sexual Discrimination / Harassment -- Title IX Procedures

**ANTI-DISCRIMINATION AND ANTI-HARASSMENT POLICY AND PROCEDURES
 UNDER TITLE IX, TITLE VI AND TITLE IV (STUDENTS)**

Notice of Nondiscrimination

1. The Scott County School District (“School District”), as required by Title IX, does not discriminate on the basis of sex in its education programs and activities. Title VI of the Civil Rights Act of 1964 likewise prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance, including schools. Title IV of the Civil Rights Act of 1964 also prohibits discrimination on the basis of religion in public schools.

2. All questions regarding Title IX, Title VI and Title IV requirements may be referred to the School District’s Title IX Coordinator.

3. The School District’s Title IX Coordinator is:

**Jill Killen
 Title IX Coordinator/Federal Programs Director
 13626 Hwy. 80 West
 Forest, MS 39074
 601.469.7991 Ext. 204
 jkillen@scott.k12.ms.us**

**Title IX (Sex), Title VI (Race, Color, National Origin) and Title IV (Religion)
 Discrimination/Harassment**

Grievance Procedures

The School District’s goal is to provide an educational environment that is free from all forms of unlawful discrimination, harassment, and violence. To this end, the School District will investigate all complaints of discrimination and/or harassment on the basis of sex, gender, race, color, national origin, or religion (“prohibited discrimination/harassment”), and complaints of sexual violence against the School District’s students received from staff or students. In its investigation, the School District determines whether or not an act of sexual violence or prohibited discrimination/harassment (as defined in this policy) occurred. If it is determined that a student or member of the School District’s staff engaged in prohibited discrimination/harassment and/or sexual violence, then the School District will take appropriate remedial action.

A. Definitions and Examples

1. Definition of Discrimination/Harassment Based on a Protected Characteristic.

Discrimination or harassment based on a protected characteristic, including sex, gender (including gender-based harassment such as a student's alleged failure to conform to sex stereotypes), race, color, national origin, and religion may be oral, written, graphic or physical conduct relating to the student's protected characteristic. When such actions are unwelcome and sufficiently severe, pervasive, or persistent that they interfere with or limit the ability of a student to participate in or benefit from the School District's programs or activities or create a hostile or abusive educational environment, the actions violate this policy. Moreover, harassment does not have to include an intent to harm, or be directed at a specific target.

2. Definition of Sexual Violence: Physical sexual acts perpetrated against a person's will or where a person is unable to give consent because of the person's age, intellectual disability, or due to the use of drugs or alcohol, constitute sexual violence and violate this policy.

B. Notice of Where Title IX, Title VI and/or Title IV Complaints May Be Filed: Students, parents and employees may file complaints of prohibited discrimination/harassment under this policy with the School District's Title IX Coordinator. If a student reports an act of prohibited discrimination/harassment or sexual violence to a School District employee who is not the Title IX Coordinator, that employee will inform the Title IX Coordinator of the allegations.

C. No Retaliation: The School District will protect any student or person who reports an act of sexual violence or prohibited discrimination/harassment from retaliation for making the report. The School District will take appropriate disciplinary action against anyone who attempts to retaliate against an alleged victim of sexual violence or a person reporting an allegation of prohibited discrimination/harassment.

D. Reporting Policies and Protocols. The School District's responsible employees (which includes teachers and administrators) will report the following information about a possible incident of sexual violence or prohibited discrimination/harassment to the Title IX Coordinator:

1. Names, if known, of the alleged perpetrators.
2. The name of the student who experienced the alleged act of sexual violence or prohibited discrimination/harassment.
3. The relevant facts, including but not limited to, the time, date, and location of the alleged sexual violence or prohibited discrimination/harassment.
4. Names, if known, of witnesses to the incident(s).
5. After a student tells a responsible employee that the student was the victim of sexual violence or prohibited discrimination/harassment, the responsible employee will inform the

student, before the student discloses information the student wants confidential, that:

- a. The responsible employee has a mandatory obligation to report the names of the alleged perpetrators and victim involved in the alleged act of sexual violence or prohibited discrimination/harassment along with all relevant facts to the Title IX Coordinator or other appropriate School District officials.
- b. The student does have the right to request confidentiality that the Title IX Coordinator or other appropriate School District official will consider.
- c. The student has the ability to share confidential information with counselors, or advocacy, health, mental health, or sexual-violence related services such as sexual violence resource centers, pastoral counselors, and campus mental health centers.

E. Evidentiary Standard.

The School District will determine whether or not, **by a preponderance of the evidence**, the allegations made by the alleged victim of sexual violence or prohibited discrimination/ harassment is true. This means the evidence must show that more likely than not the act of sexual violence or prohibited discrimination/harassment did occur, and it is more likely than not the alleged perpetrator(s) committed the act.

F. Confidentiality. If a student requests that his/her name not be disclosed to the alleged perpetrator or that the school not investigate the allegations, the School District will:

1. Inform the student that honoring the request may limit the school's ability to respond to the incident, including but not limited to, pursuing disciplinary action against the alleged perpetrator.
2. Inform the student that federal law and this policy include protection against retaliation.
3. Inform the student that it will take steps to prevent retaliation and if retaliation does occur, the school will take "strong" responsive action.
 - a. After providing this information, if the student still requests confidentiality, the School District will determine whether or not it can honor the request and still provide all students with a safe environment. The factors the School District will consider when determining whether or not to honor this request include:
 - i. Whether or not that the alleged perpetrator may commit additional acts of violence, sexual violence or prohibited discrimination/harassment.
 - ii. Investigate whether or not the alleged perpetrator has a prior history of violence, sexual violence or prohibited discrimination/harassment.
 - iii. Investigate whether or not the alleged perpetrator threatened the victim not to proceed with a complaint.

4. Investigate whether or not the alleged act reveals a pattern of misconduct, such as the use of illegal drugs or alcohol to subdue the victim, and whether or not there is a location pattern or that a particular group has been assaulting students.

5. Consider whether or not a weapon was used.

6. Consider the age of the alleged victim.

7. Consider the mental competency of the student.

8. Consider whether or not the school has alternatives to obtain evidence of the alleged attack, such as security cameras, witness reports, or physical evidence.

9. The School District's Title IX Coordinator and/or this person's designated representative will then determine whether or not the request for confidentiality can be honored. If the School District decides it must disclose the name of the alleged victim to the alleged perpetrator, it will first inform the alleged victim before making the disclosure.

10. If the School District determines that it must disclose the victim's name to the perpetrator, then it will take necessary interim steps to protect the alleged victim and to protect the safety of all students.

G. Right to File a Simultaneous Criminal Complaint: Any person who files a complaint under this policy with the School District also has a simultaneous right to file a criminal complaint with law enforcement authorities.

H. Investigations of Complaints. In investigating a complaint, the School District will determine whether or not the misconduct occurred; and if the misconduct did occur, the School District will take action to end the sexual violence and, if it exists, eliminate the hostile environment, and prevent recurrence. The Investigation will be adequate, reliable, impartial, prompt, and allow both parties to present witnesses and other evidence.

I. Timelines for Completion of Investigation. Investigations into a complaint of sexual violence or prohibited discrimination/harassment will be completed within 60 days. The time frame does not include any appeal process. Please note that the 60 days is not a hard, fixed timeline and does recognize that the time to complete the process may take longer because of school breaks or if a parallel criminal investigation is also taking place. If additional time is required because of either or both of these events, the alleged victim and alleged perpetrator will be notified of the need to delay completion of the investigation and the date when the investigation will be completed.

J. Interim Measures. During the investigation, the School District will attempt to minimize any burden that might be imposed upon the alleged victim. However, it may be necessary to take steps to protect the alleged victim, including but not limited to the following:

1. Ensuring that the alleged victim continues to have equal access to the School District's educational programs and activities,

2. Protecting the alleged victim from the alleged perpetrator and from illegal retaliation, and

3. Informing the alleged victim of his/her right to avoid contact with the alleged perpetrator and to allow the alleged victim to change academic and extracurricular activities along with changing the alleged victim's, transportation, dining and working situation.
- K. Notice of Outcome of the Investigation. The School District will, in writing, will inform the alleged victim and alleged perpetrator of the outcome of its investigation into the complaint of sexual violence or prohibited discrimination/harassment.
- L. Remedies. If the investigation concludes that a student was the victim of sexual violence or prohibited discrimination/harassment, then the School District will take appropriate action designed to remedy the sexual violence and/or prohibited discrimination/harassment, including but not necessarily limited to potential sanctions against the perpetrator of the sexual violence and/or prohibited discrimination/harassment.
- M. Appeal. Both the complainant and the alleged perpetrator may appeal the decision of the Title IX Coordinator (and/or his/her designee). An appeal must be submitted in writing and include: (1) the specific matters being appealed; (2) all factual and legal bases for the appeal; (3) any other matter the appealing party believes should be reviewed by the School District that the appealing party believes would influence the School District's decision. The written appeal and any additional documents or other evidence in support of the appeal must be submitted to the Superintendent within seven (7) school days after receipt of the Title IX Coordinator's (or his/her designee's) decision. The Superintendent will notify the party appealing of the date, time, and place upon which the matter will be considered by the Superintendent and will notify the party appealing whether the party will be required to attend the review. The information presented by the appealing party may require additional investigation by the Superintendent.

Upon conclusion of any additional investigation and the Superintendent's consideration of the basis for the original decision, the Superintendent will issue a decision. Either party may appeal the Superintendent's decision to the Scott County Board of Education. Written appeals must be made through the office of the Superintendent. An appeal must be submitted in writing and include: (1) the specific matters being appealed; (2) all factual and legal bases for the appeal; (3) any other matter the appealing party believes should be reviewed by the School District, which would influence its decision. The written appeal and any additional documents or other evidence in support of the appeal must be submitted to the Superintendent within seven (7) school days after receipt of the Superintendent's decision.

With respect to the appeal, the Board of Education reserves three basic rights: (1) it may elect not to hear the appeal and let the ruling of the Superintendent stand; (2) it may elect to make a ruling based on the available information but not provide a forum for the parties to present their case; or (3) it may elect to provide a forum for the parties to make a final argument prior to making a final ruling in the matter.

The Board of Education shall have the right to review all prior written documents and records of the levels specifically involved in the grievance procedures leading to the appeal to the Board.

The meeting of the Board of Education hearing the final argument shall be held in executive session, and the Board shall not be bound by rules of evidence during the argument nor be

required to follow established court procedures. The Board shall have the power to limit the argument and any related discussion.

A record of the final argument will not be made.

[/Portals/scott/Exhibits/SCSD Unlawful Discrimination Harassment Complaint Form - Students-1.pdf](#)

Adopted Date: 4/8/2014

Approved/Revised Date: 6/12/2018