

District: Scott County School District
Section: G - Personnel
Policy Code: GACN-P - Sexual Harassment - Procedures

PROHIBITION OF UNLAWFUL DISCRIMINATION/HARASSMENT
AND COMPLAINT REPORTING PROCEDURE FOR EMPLOYEES

A. Unlawful Discrimination and Harassment Prohibited.

The Scott County School District (“School District”) provides equal employment opportunities for all employees and prohibits any form of unlawful discrimination/harassment. Title VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, the Age Discrimination in Employment Act, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, other federal statutes, and the School District’s Board Policies prohibit unlawful discrimination.

Questions or concerns regarding any form of discrimination or harassment based on disability, race, ethnicity, color, gender, sex, national origin, religion, age, veteran status, uniformed service member status, or any other protected category as defined by law (“prohibited discrimination/harassment”) should be directed to the Title IX Coordinator, whose contact information 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.

B. Definition and Examples of Harassing Conduct.

Generally, unlawful harassment is considered to have occurred when unwelcomed conduct related to a protected characteristic has the intent or effect of creating an intimidating, hostile or offensive working environment, or has the intent or effect of substantially or unreasonably interfering with an employee’s workplace opportunities.

Harassment requires that a hostile environment be created by the offending behavior. Both objective and subjective perspectives are considered in relation to a particular type of conduct, including the victim’s age, race, gender, disability, and/or other protected categories.

Individuals or groups may be in violation of district policy if they engage in the following types of unwelcomed behavior (not an all-inclusive list) toward an individual on school grounds, in the workplace, at school/work-sanctioned activities or in vehicles owned/dispatched by the District, when the conduct is sufficiently pervasive or severe so as to alter the conditions of employment and create an abusive working environment:

- Making demeaning or derogatory remarks or comments to an employee because of his/her disability, race, ethnicity, color, gender, national origin or ancestry, religion, age, veteran status, uniformed services status, or any other protected status as defined by law;

- Displaying suggestive visual or written material of a sexual nature;
- Defacing School District property or materials by writing demeaning or derogatory words, letters, names or the like directly or indirectly to an individual or group because of his/her/their disability, race, ethnicity, color, gender, national origin, religion, age, veteran status, uniformed services status, or any other protected status as defined by law;
- Making obscene or suggestive gestures;
- Repeatedly asking someone for a date when he/she is not interested; or
- Damaging, defacing, or destroying private property of any individual or group because of his/her/their disability, race, ethnicity, color, gender, national origin or ancestry, religion, age, veteran status, uniformed services status, or any other protected status as defined by law.

1. Definition and Examples of Disability/Handicap Harassment.

Discriminatory behavior toward an employee with a disability may be considered harassment when the disability-focused behavior is unwelcome and is sufficiently pervasive or severe so as to alter the conditions of employment and create an abusive working environment. An example of possible disability harassment is severe, pervasive or persistent name-calling based on a disability/handicap or perceived disability that creates an abusive work environment.

2. Definition and Examples of Racial and National Origin and Ancestry Harassment.

Harassment based on race or national origin may be oral, written, graphic or physical conduct relating to an individual's race, color, ethnicity or national origin (including an individual's ancestry, country of origin) that is sufficiently severe, pervasive, or persistent that it alters the conditions of employment and creates an abusive working environment. Harassment of an immigrant or someone who speaks another language or has a foreign accent may constitute discrimination based on national origin or race or both, depending on the circumstances.

Examples of possible race or national origin harassment are: physical acts of aggression or assault upon another or damage to another's property that is motivated by the employee's race, color, ethnicity or national origin; depending on the circumstances and context, demeaning racial jokes, taunting, racial slurs and derogatory racial "nicknames", innuendos, or other negative or derogatory remarks of a racial nature or relating to national origin; depending on the circumstances and context, graffiti and/or slogans or visual displays such as cartoons or posters depicting racial/ethnic slurs or racial/ethnically derogatory origin.

3. Definition and Examples of Sexual Harassment.

Sexual harassment is a form of gender discrimination that generally is considered a misuse of power. Sexual harassment generally may fall under one of two categories: *quid pro quo* and hostile environment. *Quid pro quo* sexual harassment generally occurs when an individual explicitly or implicitly conditions an individual's participation in an activity or program or bases decision on an individual's submission to unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal or physical conduct of a sexual nature, whether or not the individual submits to the conduct. This generally involves a person in an authority position over a subordinate.

Hostile environment harassment occurs when unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal or physical conduct of a sexual nature by a student, employee or a third party are sufficiently severe, persistent or pervasive so as to alter the conditions of employment and create an abusive working environment.

Sexual harassment includes conduct that is also criminal in nature such as rape, sexual assault, stalking, and similar offenses.

Regardless of an individual's intentions, if that individual's unwelcomed behavior results in an employee feeling intimidated, uncomfortable or threatened, that behavior may be considered sexual harassment. This prohibition against sexual harassment applies whether the harassment is between people of the same or different gender.

Examples of possible sexual harassment include: unwelcome pressure for sexual activity; unwelcome, sexually motivated or inappropriate physical contact; unwelcome verbal or written words or symbols directed at an employee because of gender (whether that gender is the same as the harasser or aimed at the opposite sex); and use of authority to coerce sexual favors.

4. Definition and Examples of Harassment Based on Religion.

Targeting an employee because of his/her religion or religious beliefs may be a form of harassment. Examples of possible harassment based on religion, depending on the circumstance, may include: making derogatory jokes regarding a particular religion and verbal, physical or written intimidation because of his/her religion.

5. Definition of Harassment based on Age.

Targeting an employee because of his/her age may be a form of harassment. Generally, the law prohibits discrimination against and harassment of individuals over the age of 40. Examples of harassment based on age might include pervasive unwelcomed heckling of an individual by verbal negative references to age or pervasive name-calling using terminology such as "grandpa" or "old fogey," if this

behavior creates a hostile environment for the employee.

C. Complaint Procedures.

Any employee who believes he/she has been subjected to prohibited discrimination/harassment (as defined above) must report the incident(s) as soon as possible to an administrator or the School District's Title IX Coordinator, whose contact information follows:

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

1. Investigations of Complaints. The Title IX Coordinator and/or his/her designee(s) will promptly begin an investigation into the allegations of the complaint. 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 prohibited discrimination/harassment and prevent its recurrence. The investigation will be adequate, reliable, impartial, prompt, and allow both parties to present witnesses and other evidence.
2. Confidentiality. In conducting the investigation, the Title IX Coordinator and/or his/her designee(s) will endeavor to keep the complaint confidential and disclose information on a need-to-know basis during the investigation. The Title IX Coordinator and/or his/her designee(s) will consider a complainant's request for the complainant's identity to remain confidential, but this request must be weighed against the obligation of the School District to address and prevent an environment of discrimination/harassment not only for the complaining employee, but for all employees and students as well. 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. If the School District determines that it must disclose the victim's name to the perpetrator, then it will take interim steps to protect the alleged victim.
3. Evidentiary Standard. The School District will determine whether or not, **by a preponderance of the evidence**, the allegations made by the alleged victim of 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.

4. **Timelines for Completion of Investigation.** Investigations into a complaint of 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.

D. 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.

E. 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.

F. Notice of Outcome of the Investigation. The School District will, in writing, inform the alleged victim and alleged perpetrator of the outcome of its investigation into the complaint of sexual violence or prohibited discrimination/harassment.

G. Remedies. If the investigation concludes that an employee was the victim of prohibited discrimination/harassment, then the School District will take appropriate action designed to remedy the prohibited discrimination/harassment, including but not necessarily limited to potential sanctions against the perpetrator of the sexual violence and/or prohibited discrimination/harassment.

H. 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.

- I. No Retaliation.** The School District will protect any employee who reports prohibited discrimination/harassment from retaliation for making the report. The School District will take appropriate disciplinary action against anyone who attempts to retaliate against a person reporting an allegation of prohibited discrimination/harassment.

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

Adopted Date: 4/8/2014

Approved/Revised Date: 6/12/2018