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| Descriptor Term: | Descriptor Code: | Issued: |
| Student Complaints of Violations of Title IX, Including Complaints of Sex Discrimination and Sexual Harassment | JB | Adopted February 15, 2018 |
| | Rescinds: | Revised: December __, 2017 |

STUDENT COMPLAINTS OF VIOLATIONS OF TITLE IX, INCLUDING COMPLAINTS OF SEX DISCRIMINATION AND SEXUAL HARASSMENT

As provided under Title IX of the Education Amendments of 1972, no student in the Amite County School District shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance. Student complaints or complaints by a parent or guardian on behalf of a student alleging a violation of Title IX are handled as set out in Policy JB-P-Students: Title IX Complaint Procedures.

Further, students in the Amite County School District are protected from sex discrimination, including sexual harassment, under Title IX. It is the intent of the District to maintain an environment free from sexual harassment of any kind. Therefore, unwelcomed sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature amounting to or constituting harassment are prohibited. Student complaints or complaints brought to the attention of the administration by parents or guardians on behalf of a student alleging sex discrimination/sexual harassment are handled as set out in Policy JB-P Students: Title IX Complaint Procedures.

The District has a Title IX Compliance Officer designated to handle any complaints regarding Title IX issues. Since this policy, Policy JB, is not amended each time the administrator serving as the Title IX Compliance Officer changes, please contact the superintendent, the federal programs director, or any principal to request the name of the current Title IX Compliance Officer. Also, the Title IX Compliance Officer is identified with specificity in the District Student Handbook and on the District website. Contact the Title IX Compliance Officer immediately to make a complaint regarding discrimination based on sex with respect to any District educational program or District activity receiving federal financial assistance or with respect to complaints of sex discrimination and/or sexual harassment.

SEXUAL HARASSMENT PROHIBITED OF OR BY ANY STUDENT

The Amite County School District prohibits sexual harassment of or by any student. This policy applies to conduct during and relating to school and school-sponsored activities. Sexual harassment is inappropriate behavior and offensive. Any student who engages in the sexual harassment of anyone in the school setting may be subject to disciplinary action up to and including expulsion.

EMPLOYEE/STUDENT SEXUAL RELATIONSHIPS PROHIBITED

If any person eighteen (18) years or older who is employed by any public school district or private school in this state is accused of fondling or having any type of sexual involvement with any child under the age of eighteen (18) years who is enrolled in such school, the principal of such school and the superintendent of such school district shall timely notify the district attorney with jurisdiction where the school is located of such accusation, the Mississippi Department of Education and the Department of Human Services, provided that such accusation is reported to the principal and to the school superintendent and that there is a reasonable basis to believe that such accusation is true.

Any superintendent, or his designee, who fails to make a report required by this section shall be subject to the penalties provided in Miss. Code Ann. Section 37-11-35. Any superintendent, principal, teacher or other school personnel participating in the making of a required report pursuant to this section or participating in any judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person reporting in good faith shall be immune from any civil liability that might otherwise be incurred or imposed. See Miss. Code Ann. Section 97-5-24.

If any teacher and any pupil under eighteen (18) years of age of such teacher, not being married to each other, shall have sexual intercourse, each with the other, they shall, for every such offense, be fined in any sum, not more than five hundred dollars (\$500.00) each, and the teacher may be imprisoned not less than three (3) months nor more than six (6) months. See Miss. Code Ann. Section 97- 29-3.

INDIVIDUALS AND CONDUCT COVERED

These policies apply to all students and employees of Amite County School District, and third parties such as 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 an employee), and in egregious situations, law enforcement officials will be notified as required by law. Further the Mississippi Department of Education will be notified as required with regard to any violations of Standard 4 of the Mississippi Educator Code of Ethics and Standards of Conduct. It is also 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.

INVESTIGATION OF HARASSMENT

In accordance with its obligations under federal law, the District reserves the right to investigate reports of harassment occurring between students and other members of the school community,

regardless of whether the alleged harassment occurred on or off school grounds; during or outside school hours; or using school-owned or personally-owned electronic devices (e.g., postings to digital media and electronic forums such as Twitter and Facebook or text messages).

Courts have struggled to strike a balance between safeguarding students' First Amendment rights and protecting the authority of school administrators to maintain an appropriate learning environment. However, in keeping with District's mission to educate ALL students, and in accordance with provisions in the school's Acceptable Use Policy, students are prohibited from using school computers or the school network to harass others, whether the harassment occurs on or off campus. The full range of disciplinary actions outlined in the Student Handbook may be applied, including demerits, restrictions on computer use, suspension and expulsion.

RETALIATION IS PROHIBITED

Amite County School District encourages reporting of all perceived incidents of discrimination or harassment. It is the policy of Amite High School to investigate such reports. The District prohibits retaliation against any individual who reports discrimination or harassment or participates in an investigation of such reports.

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. Acts of retaliation should be reported immediately and will be investigated and corrective action taken promptly. Corrective action may include suspension, expulsion and in egregious situations, the involvement of law enforcement officials.

OTHER REPORTING

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

LEGAL REF.: MS CODE as cited

1972 Education Amendments, Title VII & Title IX

CROSS REF.: Policies JAA Equal Educational Opportunities
JB-P Student: Title IX Complaint Procedures
JCA Student Conduct
JCB Code of Conduct