

<b>Descriptor Term:</b>  SEXUAL DISCRIMINATION AND HARASSMENT	<b>Descriptor:</b> GBAA	<b>Issued:</b> DRAFT
	<b>Rescinds:</b> GBAA	<b>Issued:</b> 5/8/01

It is the policy of the Tupelo Public School District to maintain and ensure a learning and working environment free from any form of sexual harassment or intimidation toward school personnel and students. Therefore, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature amounting to or constituting harassment are prohibited. It shall be a violation of this policy for any student, teacher, administrator or other school personnel to harass a student or school personnel through conduct or communication of a sexual nature. It shall also be a violation of this policy for any teacher, administrator or other school personnel to tolerate sexual harassment by a student, teacher, administrator or other school personnel.

For purposes of this policy, the term “school personnel” includes board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the district. Sexual harassment is generally defined as any repeated or unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when (1) submission to such conduct is made, either implicitly or explicitly, a term or condition of employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with the individual’s work performance or creating an intimidating, hostile, or offensive working environment.

Harassment on the basis of sex is a violation of Federal regulations under Title IX, Section 106.31 for students and Title IX, Section 703 for employees. Any employee who feels that he/she has been subjected to sexual harassment or intimidation, or any employee, student or parent who has knowledge of any type of harassment occurring at school or at school events must contact his/her building administrator, immediate supervisor, principal or the Title IX coordinator. Additionally, the district recognizes the sensitive nature of a sexual harassment incident and the need for confidentiality. Every effort will be made to consider the sensitivities of the parties involved and protect them from retaliation. Submission of a good faith complaint or report of sexual harassment will not affect the complainant’s or reporter’s future employment, working environment or work assignments. There shall be no reprisal for participation in any way in this procedure.

The Tupelo Public School District does not tolerate sexual harassment in any form and will take all necessary and appropriate action to eliminate it, up to and including, disciplinary action.

**SEXUAL HARASSMENT COMPLAINTS:** The district will act to promptly investigate all complaints of harassment, either formal or informal, verbal or written; to promptly take appropriate action to protect individuals from further harassment; and, if it determines that unlawful harassment occurred, to promptly and appropriately discipline any student, teacher, administrator or other school personnel who is found to have violated this policy, and/or to take other appropriate action reasonably calculated to end the harassment.

Facts elicited during investigation are confidential and do not become a part of the **an** employee’s official personnel file. A copy of documents, communications and records dealing with the processing of a complaint will be filed in a separate file in the Human Resources Office. A complaint may be withdrawn at any time without prejudice. However, a complainant will not be permitted to re-file that same complaint once withdrawn.

COMPLAINT PROCEDURE:

Step 1: Any individual who believes she/he has been the victim of sexual harassment by a student, teacher, administrator, or other school personnel, or any person with knowledge of conduct which may constitute sexual harassment in the school setting should contact her/his immediate supervisor, the appropriate administrative official, the principal or the Title IX Coordinator.

Step 2: **Within five days, the principal,** Title IX Coordinator **or appropriate TPSD official** shall personally question all parties involved in the sexual harassment complaint. A written record of the statements made by all parties involved shall be made. When the ~~Title IX Coordinator can resolve the complaint~~ **complaint can be resolved** informally, no disciplinary action will be taken. If the alleged harasser denies the allegation, the ~~Title IX coordinator~~ **investigator** must do additional fact finding before making a determination. Upon completion of the investigation, a determination shall be made.

Step 3: Within five days of the receipt of the determination ~~made by the Title IX Coordinator,~~ the complainant may request, in writing **to the Title IX Coordinator,** a hearing before an unbiased panel of district employees. If such a request is made, it shall be the responsibility of the Title IX Coordinator to convene a panel of three to five district employees.

**Step 4: A panel of three to five district employees shall be convened** within five to ten days of the written request, ~~who~~ **and** shall review the facts presented and question all parties involved before making a determination. The complainant and alleged harasser will be informed by registered mail of the date and time to appear before the panel. The proceedings of the hearing will be taped and kept on file in the Human Resources Office. The panel will prepare an objective written summary of all relevant facts then express its findings and conclusions. The summary of facts, findings and conclusions will then provide the basis for subsequent review in the event of further appeal by the complainant.

Step **5:** Within five days of the receipt of either the determination made by (a) the Title IX Coordinator or (b) the conclusions made by the panel of district employees, the complainant and/or alleged harasser may appeal the decision by requesting, in writing, a review of the decision by the superintendent. The superintendent will review the determination and/or conclusions and shall, within ten days render a written decision.

Step **6:** Within five days of the receipt of the response by the superintendent, the complainant and/or alleged harasser may appeal this decision by requesting, in writing, a review of the decision by the Board. The Board shall review the written summary of the panel and the written decision of the superintendent within thirty days of receipt of request for appeal. The Board's decision shall be rendered no later than the conclusion of its next regularly scheduled board meeting.

RETALIATION: It is a separate and distinct violation of this policy for any member of the school community to retaliate against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment. It is possible that an alleged harasser may be found to have violated this anti-retaliation provision even if the underlying complaint of harassment is not found to be a violation of this policy. Retaliation includes, but is not limited to any form of intimidation, reprisal or harassment and may be redressed through application of the same reporting, investigation and enforcement procedures as for harassment.

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CONSEQUENCES: Any school employee or student that is found to have violated this policy ~~may~~ shall be subject to action including, but not limited to, warning, remedial training, education or counseling, suspension, exclusion, expulsion, transfer, termination or discharge. Further, if any employee is accused of having any type of sexual involvement with a student, the principal and superintendent shall notify the district attorney of such accusation, 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.

DISSEMINATION OF POLICY AND TRAINING: This policy shall be conspicuously posted throughout each school building in areas accessible to students and staff members. This policy shall appear in the student handbook and employee guidebook. The district will develop a method of discussing this policy with students and employees. Training on the requirements of non-discrimination and the appropriate responses to issues of harassment will be provided to all school personnel on an annual basis, and at such other times as the Board in consultation with the Title IX Coordinator determines is necessary or appropriate. This policy shall be reviewed at least annually for compliance with state and federal law.

The Title IX Coordinator for the Tupelo Public School District is:

Director of Human Resources  
TPSD Administrative Office  
Post Office Box 557  
Tupelo, Mississippi 38802  
662-841-8850

Legal Ref: MCA § 97-5-24 (1972).