

BOARD POLICY

JCED

PERSONNEL DISCRIMINATORY HARASSMENT OF STUDENTS

~~DECEMBER 3, 2004~~

Discriminatory harassment of students by School District employees, Board members, vendors, contractors or others doing business with the School District, fellow students, parents, invitees, guests, volunteers, etc., will not be tolerated. "Discriminatory harassment" means unwelcome sexual advances, requests for sexual favors or other verbal or physical conduct relating to an individual's sex (including sexual orientation, gender identity, and/or transgender status), race, color, national origin, age, religion, height, weight, marital status or disability when (a) submission to the conduct is made a condition of utilizing or benefiting from the services, activities or programs of the School District; (b) submission to, or rejection of, the conduct is used as the basis for a decision to exclude, expel or limit the student in terms, conditions, or privileges of the School District; or (c) the conduct has the purpose or effect of substantially interfering with the student's education, creates an intimidating, hostile or offensive educational environment. Any student who believes that he or she has suffered discriminatory harassment shall report the incident(s) to his or her counselor or building principal. In the event that the student is charging the building principal with such discriminatory harassment, he or she shall report the incident(s) to the Superintendent. In the event that the student is charging the Superintendent or a Board member with such discriminatory harassment, he or she shall report the incident(s) to the Board President. In the event that the student is charging the Board President with such discriminatory harassment, he or she shall report the incident to the Vice President of the Board.

The School District guarantees that any student reporting incident(s) of discriminatory harassment will not suffer any form of reprisal.

In determining whether the alleged conduct constitutes discriminatory harassment, the totality of the circumstances, the nature of the conduct and the context in which the alleged incident(s) occurred will be investigated. The School District has the responsibility of investigating and resolving complaints of discriminatory harassment. In cases where the alleged discriminatory harassment was committed by the Superintendent or a member of the Board of Education, the School District will appoint outside legal counsel to investigate the alleged incident(s). The results of an investigation and any action taken thereon will be communicated to the complaining person.

The School District considers discriminatory harassment to be a major offense which will result in corrective action, regardless of the offender's position with the School District. Corrective action of a School District employee may include disciplinary action, up to and including, termination of employment. Corrective action of a student may include disciplinary action, up to and including, expulsion.

CROSS REF.: GAAA, GAEA, GAEAA

LEGAL REF.: Gebser v. Lago Vista Independent School District, 524 US 274 (1998);
Davis v. Monroe County Board of Education, 526 US 629 (1999)
Bostock v. Clayton County, Georgia (6/15/2020)