

TO: Gearl Loden, Ph.D.
FROM: Leigh B. Mobley, Ph.D.
DATE: February 26, 2016
RE: Board Policy Revisions

Pursuant to board Policy BDE:

The board policy manual will be reviewed on a regular basis under the direction of the superintendent or designee, in consultation with appropriate Directors, Principals and Staff, and reported to the superintendent according to a minimum schedule.

A review of district policies by the Mississippi School Board Association, led to a suggested revision of policy GACN.

The revised policy GACN is attached.

Please consider for approval this revision of policy GACN.

Respectfully Submitted:



Leigh B. Mobley, Ph.D.

District: Tupelo Public School District
Section: G - Personnel
Policy Code: GACN - Sexual Harassment

EMPLOYEE DISCRIMINATION AND HARASSMENT

It is the policy of the Tupelo Public School District to maintain and ensure a learning and working environment that is free from illegal harassment, intimidation and other forms of illegal discrimination based on race, color, sex, pregnancy, childbirth or pregnancy-related conditions, religion, national origin, age (if the individual is 40 years of age or older), disability or other classification protected by law. Therefore, all forms of verbal or physical conduct amounting to or constituting illegal discrimination or harassment are prohibited.

It shall be a violation of this policy for any student, teacher, administrator or other school personnel to harass or intimidate a student or school personnel through conduct or communication. It shall also be a violation of this policy for any teacher, administrator or other school personnel to tolerate illegal discrimination or harassment by a student, teacher, administrator or other school personnel.

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

Anti-Retaliation

The district prohibits retaliation made against any person who reports a good faith complaint of sexual abuse, molestation, misconduct or participates in any related investigations. Anyone who violates this rule is subject to disciplinary action as determined by the administration.

False Allegations

Making false accusations of sexual abuse in bad faith can have serious consequences for those who are wrongly accused. Making false and /or malicious sexual abuse allegations as well as deliberately providing false information during an investigation is prohibited.

Last Review Date: _____
Review History: [1/1/1900][1/1/1901]

ADMINISTRATIVE PROCEDURES

1. Definitions:
 - a. Discrimination: Unlawful conduct, including words or gestures and other actions, which adversely affects an employee's working environment or results in disparate treatment based upon race, color, sex, pregnancy, childbirth or pregnancy-related conditions, religion, national origin, age (if the individual is 40 years of age or older) and disability.
 - b. Harassment: A form of discrimination that includes unlawful conduct of an offensive nature that is demeaning or derisive or occurs substantially because of one's race, color, ethnic background, national origin, religion, sex, creed, age, citizenship or disability and which creates a hostile work environment. Harassment may include but is not limited to any of the three categories listed below:
 - i. Generalized Harassment: Includes intentional behavior directed at an entire group which is based on demeaning or derisive stereotypes, and is severe enough that it creates a hostile working environment. Examples include comments or jokes, physical gestures or visual displays such as posters, etc.
 - ii. Individually Targeted Harassment: Includes intentional, non-criminal behavior which is targeted at an individual or particular member of a group, which can be verbal, physical or visual that is severe enough or pervasive enough that it adversely affects the working environment. Examples include negative or offensive comments, jokes, suggestions or gestures directed to an individual's or group's race, ethnicity or national origin.
 - iii. Criminal Harassment: Harassing behavior that violates state or federal criminal statutes. Examples include criminal assault, rape, criminal mischief, stalking, arson or trespass.
 - c. Respondent: An individual against whom a report or complaint of illegal discrimination or harassment has been filed.
 - d. School personnel: Board members, school employees, agents, volunteers, contractors, or persons subject to the supervision and control of the District.
 - e. Sexual Harassment: A form of sex discrimination.
 - i. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and/or other verbal or physical conduct of a sexual nature that is based on one or more of the following conditions:
 - i. Submission to such conduct is made either explicitly or implicitly as a term or condition to work benefit.
 - ii. Submission to or rejection of such conduct by a co-worker is used as the basis for decisions affecting the work environment.
 - iii. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive working environment.
 - ii. There are two types of sexual harassment:
 - i. Hostile Environment: The three levels of hostile environment are the same as those listed for other harassment; e.g., generalized harassment, individually targeted harassment, and criminal harassment.
 - ii. Harassment that culminates in a tangible action which alters the conditions of the working environment (previously called *quid pro quo*).
2. Reporting
 - a. Any employee who feels that he/she has been subjected to illegal discrimination or harassment, or any employee, student or parent who has knowledge of any type of illegal discrimination or harassment occurring at school or at school events must contact his/her building administrator, immediate supervisor, principal or Title IX coordinator.
 - b. Additionally, the District recognizes the sensitive nature of these matters and the need for confidentiality. Every effort will be made to consider the sensitivities of the parties involved and protect them from retaliation.
 - c. Submission of a good faith complaint or report of illegal discrimination or 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.
3. Complaint
 - a. The District will act (a) to promptly investigate all complaints of illegal discrimination or harassment, either formal or informal, verbal or written; (b) to promptly take appropriate action to protect individuals from further illegal discrimination or harassment; and, (c) if it determines that unlawful activity 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 illegal discrimination or harassment.
 - b. Facts elicited during investigation are confidential and do not become a part of 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. However, a complainant will not be permitted to re-file the same complaint once withdrawn.
4. Complaint Procedure
 - a. Filing a complaint. Any individual who believes she/he has been the victim of illegal discrimination or harassment by a student, teacher, administrator, or other school personnel, or any person with knowledge of conduct which may constitute illegal discrimination or harassment in the school setting should contact her/his immediate supervisor, the appropriate administrative official, the principal or the Title IX Coordinator. The complaint shall describe the time, place and nature of, and the participants in the alleged illegal acts. Complaints should be made as soon as possible, and must be made within 180 days of the date of the alleged act of discrimination.
 - b. Investigation. An investigation shall be completed as quickly as practicable, but within fifteen days of receipt of the complaint, unless extenuating circumstances require a longer period. A written record of the statements made by all parties involved shall be made. When the complaint can be resolved informally, no disciplinary action will be taken. Within ten days of the completion of the investigation, the superintendent's designee shall provide all parties a written disposition of the complaint.
 - c. Appeal. Within five days of the receipt of the superintendent's decision, the complainant and/or respondent may appeal this decision by requesting, in writing, a review by the Board. The Board shall review the report of the investigation 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.
5. 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 illegal discrimination or harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating thereto. It is possible that a respondent 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 outlined above.
6. Consequences
Any school employee or student that is found to have violated this policy 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/or 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.
7. 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 537
Tupelo, Mississippi 38802 662-941-9850

Adopted Date: 2/22/2013

Approved/Revised Date: