

STUDENT RIGHTS AND RESPONSIBILITIES

Code **JI-R** Issued **9/04**

Sexual harassment

These procedures are intended to do the following.

- Discourage employees and students from sexually harassing students of the center.
- Promote a harassment-free center environment.
- Remedy in a speedy manner any consequences of sexual harassment.
- Establish on-going education and awareness of the problem of sexual harassment.
- Provide information about how to pursue claims of sexual harassment.

Definition of sexual harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature under the following conditions.

- Submission to such conduct is made either expressly or implicitly a term or condition of a student's education.
- Submission to or rejection of such conduct by an individual is used as a basis for educational decisions affecting a student.
- Such conduct has the purpose or effect of unreasonably interfering with a student's education or creating an intimidating, hostile or offensive center environment.

Sexual harassment may include, but is not limited to, verbal harassment, including sexually offensive comments or slurs; physical harassment, physical interference with movement or work; or visual harassment such as sexually offensive cartoons, drawings or posters.

Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex.

Behavior prohibited of all employees

No employee may condition an individual student's education, educational benefit or educational opportunity on the student's acquiescence to any of the sexual behavior defined above.

No employee may retaliate against any student because that student has filed a complaint, testified, assisted or participated in any manner in a sexual harassment investigation, proceeding or hearing conducted by an authorized agency.

No employee will tolerate a sexually hostile or offensive center environment created by any other employee or student who engages in sexual harassment.

No employee will destroy evidence relevant to an investigation of sexual harassment.

Behavior prohibited of all employees and all students

No employee or student of the center will create a sexually hostile or offensive school environment for any other student by engaging in any sexual harassment.

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No employee or student of the center will assist any individual in doing any act that constitutes sexual harassment against any other student.

Obligations of the director

Preventive action

The center policy on sexual harassment and this administrative rule will be referenced in employee and student handbooks.

The director will give a copy of center policy on sexual harassment and this administrative rule to all employees. The center will provide information in the student handbook to all students.

The center policy on sexual harassment and this administrative rule will be available the office.

Annually, the director will insure that the provisions of the center policy on sexual harassment and this administrative rule as well as an orientation on the definition of sexual harassment, the procedures for registering a complaint about sexual harassment and the redress which is available are reviewed with all employees and students. With regard to students, such review and orientation will take into consideration, and be appropriate to, the students' ages.

The center will make information from the U. S. Department of Education, Office of Civil Rights (OCR) about filing claims of sexual harassment with OCR available through the human resource office.

The director will attend a training session on sexual harassment which will cover the definition of sexual harassment, the center's commitment to eliminating and avoiding sexual harassment in the center, the penalties for engaging in sexual harassment, and the procedures for reporting incidents of sexual harassment.

Investigative/corrective action

Any student who feels that he/she has been the object of sexual harassment is encouraged to file a complaint with the center director (except for situations covered in the following paragraph). Such a complaint may be filed by the student's parent/legal guardian or the student.

Under no circumstances will a student be required to first report allegations of harassment to the director if that person is the individual the student is accusing of the harassment. In such cases, the student or the student's parent/legal guardian will contact the principal at the student's high school.

The director will, within three working days, initiate an investigation of any incident of alleged sexual harassment reported to them or observed by them. Personnel will maintain confidentiality throughout the investigation. Only those who have an immediate need to know may be provided the identity of the complainant.

Upon the completion of the investigation, the director will report in writing the results of any investigation of sexual harassment, including corrective or disciplinary action taken, to the complainant and/or the complainant's parent/legal guardian.

If an employee or student is determined to have sexually harassed a student, the director will take whatever disciplinary action he/she determines is warranted, up to and including termination of an employee or expulsion of a student.

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Even if the employee has been terminated or the student expelled, the director will follow up within three months of any reported incident of sexual harassment to determine whether the complainant has been subjected to any sexual harassment.

The director, having reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect, will report such conduct in accordance with S. C. Code Section 20-7-510 and board policy on reporting child abuse or neglect (JG).

Obligations of all employees and students

All employees and students will report to the director or instructor, respectively, any conduct on the part of non-employees, such as sales representatives, service vendors or employees from another school, center, etc. that is believed to constitute sexual harassment. The director or instructor will report this information in writing to the director of the non-employee for investigation. This information must also be reported to the center director.

All employees and students will cooperate with and maintain the confidentiality of any investigation of alleged acts of sexual harassment conducted by the center or by any appropriate governmental agency.

The center prohibits any action to discourage any student from reporting alleged sexual harassment.

The center prohibits retaliation in any way against an employee or student who has provided information as a witness to an incident of sexual harassment.

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