

Descriptor Term:	Descriptor Code:	Issued:
Employee Complaints of Harassment and Discrimination	GBR	Adopted February 15, 2018
	Rescinds:	Revised: December ____, 2017

**EMPLOYEE COMPLAINTS OF HARASSMENT AND DISCRIMINATION**

The Amite County School District offers educational/vocational learning opportunities and employment opportunities on a non-discriminatory basis in compliance with the requirements of federal civil rights legislation. This legislation includes, but is not limited to, Title VI, Title VII, Title IX, the Vocational Amendments of 1976 and 1979, Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and IDEA. Further, the Amite County School District offers equal educational and employment opportunities to all persons without regard to sex, race, religion, color, national origin, age, genetic information, military status, or disability. Upon request, a copy of any District policies regarding compliance with these federal legislative mandates may be obtained from the Office of the Superintendent or any other school district administrative office. The District’s Board Policies are also available via the District’s website.

It is a violation of this policy for any District employee, board member, student, or third party to discriminate against or harass any other District employee based on that employee’s sex, race, religion, color, national origin, age, genetic information, military status, disability or any other status protected by applicable law. It is the intent of the District to maintain an environment free from harassment and discrimination based on these protected categories.

**Sex Harassment and Sex Discrimination**

Employees in the 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. Employee complaints are handled as set out in this policy.

The District has a Title IX Compliance Officer designated to handle any complaints regarding Title IX issues. Since this policy, Policy GBR, 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, Faculty Handbooks, 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.

**Harassment and Discrimination based on the following: race, religion, color, national origin, age, genetic information, military status, or disability**

The District prohibits discrimination and harassment based on an employee's race, religion, color, national origin, genetic information, military status or disability. The Title IX Compliance Officer (see section above) is also designated to handle any complaints regarding the complaints of harassment and discrimination. Contact the Title IX Compliance Officer immediately to make a complaint regarding harassment and/or discrimination based any of these protected categories.

The complaint procedure detailed in GBR-P provides a process for filing, processing and resolving complaints regarding harassment and discrimination issues. The failure of any complainant to participate in this process may constitute abandonment of the complaint as the investigator may not able to effectively investigate this matter without cooperation of the complainant.

**SEXUAL HARASSMENT PROHIBITED OF OR BY ANY EMPLOYEE**

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

**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

### **INDIVIDUALS AND CONDUCT COVERED**

These policies apply to all students and employees of Amite County School District, and third parties, 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 employees and students or between employees, 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).

### **RETALIATION IS PROHIBITED**

The 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, a school 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.: GAAA  
GBR-P Employee Harassment and Discrimination Complaint Procedures**