

PROHIBITION AGAINST AIDING AND ABETTING SEXUAL ABUSE

The Board of Trustees of the Jackson Public School District prohibits any individual who is a school employee, contractors, and agents, of the Jackson Public School District, from assisting and abetting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel files, if the District or the employee, contractor, or agent of the District has knowledge of, or probable cause to believe, that the employee engaged in sexual misconduct with a minor or a student in violation of the law.

Official references may only be provided by the superintendent or designee. Personal letters of reference or recommendations provided by employees shall not be written on district letterhead and are not considered official. All requests for official references shall be submitted to the superintendent or designee.

This Jackson Public School District shall report incidents of sexual misconduct to the proper law enforcement, the Mississippi Department of Education, and all other required agencies. This school district shall not enter confidentiality agreements with sexual predators.

For purposes of this policy, the following definitions apply:

- “Assisting” includes, but is not limited to, giving a positive recommendation to a potential employer. Assisting does not include the routine transmission of administrative and personnel files or information related to the name of the employee, contractor or agent, date of employment/contract, position held, or work performed.
- “Probable cause” exists where the facts and circumstances within the [person’s] knowledge are sufficient to justify a [person] of average caution in the belief that a crime has been committed and that a particular individual committed it. *See, Mack v. State*, 237 So. 3d 778, 786 (Miss. Ct. App. 2017).
- “Sexual misconduct” is an umbrella term used to categorize behavior that includes, sexual harassment, sexual assault, and all acts discussed in the Mississippi Educator Code of Ethics, Standard 4.2 (a), (b), (c), and (f).
See, <https://www.mdek12.org/sites/default/files/documents/OEL/mississippi-educator-code-of-ethics.pdf>.

The requirements of this prohibition do not apply if the information giving rise to probable cause has been properly reported to a law enforcement agency, or any other authorities as required by local, state, or federal law or regulations, AND at least one of the following conditions applies:

1. The matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct have investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law; or
2. The school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or
3. The case or investigation remains open and there have been no charges filed against or indictment of the school employee, contractor, or agent within four years of the date on which the information was reported to a law enforcement agency.

SOURCE: Jackson Public School District, Jackson, Mississippi

LEGAL REF.: 20 U.S.C. § 7926; Miss. Educator Code of Ethics

DATE: August 3, 2021