SEXUAL HARASSMENT - EMPLOYEES AND STUDENTS

PART I

In accordance with Title VII of the 1964 Civil Rights Act, as amended in 1972, Section 703, no employee in the Jackson Public School District shall be subject to sexual harassment. Furthermore, students in academic institutions are protected from sexual harassment by Title IX of the Education Amendment of 1972, and shall not be subjected to sexual harassment by their peers or employees.

It is the intent of the school board to maintain an environment free from sexual harassment of any kind. Therefore, unwelcome sexual advances, requests for sexual favors, retaliation against persons involved in sexual harassment complaints and investigations, and other verbal or physical conduct of a sexual nature amounting to or constituting harassment are prohibited.

PART II

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when certain criteria are met:

CRITERIA I:

Submission to such conduct is made either implicitly or explicitly, a term or condition of employment, the assignment of grades, or promotion, or used to deprive the student of access to the educational opportunities and benefits provided by the school district.

II:

Submission to or rejection of such conduct by an individual is used as the basis for employment or academic and other educational decisions affecting such individual.

III:

Such conduct has the purpose or effect of unreasonably interfering with the individual's work performance or creating an intimidating, hostile, or offensive working environment. With regard to students, the criteria are when such conduct has the purpose or effect of unreasonably interfering with the student's educational performance or creating an intimidating, hostile, or offensive learning/teaching environment.

Criteria I and II are examples of quid pro quo or conditional sexual harassment. The third criteria is an example of hostile work or learning/teaching environment.
PART III

Reports or complaints regarding a violation of this policy must sufficiently clear and explicit as to be recognized as a legitimate report of sexual harassment. Mere allegations of certain conduct will not be deemed a legitimate report of sexual harassment. For example, a report that “Teacher X sexually harassed me by leering at my chest in the cafeteria today” could be recognized as a sufficiently clear and explicit report of sexual harassment. However, a report that “Teacher X looked at me in an unusual manner in the cafeteria today” could not be recognized as a legitimate report because the statement contains no indication that the conduct was sexually harassing.

Violations of this policy must be immediately reported to an administrator, teacher, or counselor, who holds a superior position to the offended person, or to the Title IX coordinator/district counsel, without fear of reprisal. If your supervisor or administrator is the person you believe has engaged in sexual harassment, report it to the executive director of human resources or the Title IX coordinator/district counsel. If the alleged harasser is the superintendent, report the conduct directly to the district counsel, who will appoint an independent investigator to conduct the investigation and complete a report with recommendations to the school board for their consideration and final decision. Upon receipt of the complaint, the district counsel may provide to the board a Notice of Complaint and Appointment of Investigator.

Should alleged violations of this policy prove to be legitimate, the offending employee shall be subject to disciplinary action, including involuntary termination of employment. Students who engage in sexual harassment of other students shall be subject to disciplinary action, including suspension and expulsion.

PART IV

The school district will not retaliate against an individual who makes a complaint of sexual harassment or against any participant in the investigation nor will it permit any supervisor, administrator, principal, or employee to do so. Retaliation is a serious violation of the sexual harassment policy and should be reported immediately. A person who engages in retaliation conduct against another individual for report sexual harassment will be subject to disciplinary action up to and including termination.

SOURCE: Jackson Public School District, Jackson, Mississippi
LEGAL REF.: Title VII Civil Rights Act 1964, as amended in 1972, Section 703. 2000 et seq.
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