

## **SEXUAL HARASSMENT AND RETALIATION (STAFF)**

Code **GAB**

Issued **09/17/2020**

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Florence School District Three is committed to maintaining a learning and working environment free from sexual harassment or retaliation. In keeping with this commitment, the district will not tolerate harassment of district staff in the course of their employment by any person, including, but not limited to, any supervisor, coworker, vendor, visitor, student, or other staff member of the district based on the staff member's sex (including gender identity, sexual orientation, and pregnancy, childbirth, or any related medical conditions). Further, the district will not tolerate retaliation against a person who has made a report or filed a complaint alleging sexual harassment or who has participated as a witness in a sexual harassment investigation.

All district staff are responsible for helping to ensure that sexual harassment or retaliation does not occur. If a staff member feels that he/she has experienced or witnessed sexual harassment or retaliation, he/she will immediately notify his/her supervisor or building-level principal or file a formal complaint with the district's Title IX coordinator. A staff member who does not promptly report what he/she reasonably believes to be sexual harassment or retaliation may be subject to disciplinary action.

Reports of sexual harassment or retaliation may be made anonymously, but formal disciplinary action will not be taken solely on the basis of an anonymous report. The district will investigate all sexual harassment and retaliation reports impartially, thoroughly, and promptly take immediate and proportionate corrective action to end the harassment or retaliation and prevent the reoccurrence of similar misconduct, up to and including termination of employment, as appropriate. Investigations may occur even if the alleged victim does not file a complaint directly or wish to see action taken by the district or school administration. On an individualized and appropriate basis, interim measures may be taken following receipt of a complaint to minimize the risk of harm to all parties and to prevent continued sexual harassment or retaliation.

### **Confidentiality**

To the fullest extent practicable, while ensuring a thorough and impartial investigation, the district will keep reports and the terms of their resolution confidential, including the names of individuals who submit reports, witnesses who provide information regarding reports, and the person against whom the complaint is made. All records generated under the terms of this policy and related administrative procedures will be maintained with utmost confidentiality to the extent permitted by law, specifically the Family Educational Rights and Privacy Act (FERPA). Confidentiality, however, cannot be guaranteed. All complainants proceeding through the complaint process will be advised that their identities may be disclosed to the party being accused of inappropriate conduct.

### **Discipline**

Students whose behavior is found to be in violation of this policy will be subject to discipline and graduated consequences, up to and including expulsion, consistent with policy JCDA, Student Behavior Code.

Staff members found in violation of this policy will be subject to disciplinary action, up to and including termination, and may be referred to law enforcement officials, as appropriate, consistent with policy GAM, Staff Conduct and Ethics.

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Visitors or volunteers found in violation of this policy will be subject to appropriate sanctions and may be referred to law enforcement officials, as appropriate.

### **Notification**

Notice of this policy will be circulated to all district schools and departments and incorporated in employee handbooks. Staff will receive copies and indicate by their signature an understanding of the contents of the policy. The district will provide training for all staff on a yearly basis. All new staff members will receive training as part of their orientation. All administrators will be trained in prevention of sexual harassment and retaliation.

*Adopted 09/17/2020*

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### **Legal References:**

#### **A. United States Code of Laws, as amended:**

1. Title VII of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000e, *et seq.*
2. Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et seq.*

#### **B. S.C. Code of Laws, 1976, as amended:**

1. Section 1-13-80 - Prohibits discrimination in hiring and other employment practices on the basis of race, color, religion, sex (including pregnancy, childbirth, or related medical conditions), age, national origin, or disability.

# Sexual Harassment and Retaliation

## Complaint Form

Florence School District Three maintains a firm policy prohibiting harassment and retaliation. Mistreatment by any person which creates an intimidating, hostile, or offensive work or learning environment will not be tolerated under any circumstances.

Complainant Name: \_\_\_\_\_

School or Position, if applicable: \_\_\_\_\_

student  parent  employee  nonemployee  job applicant  other \_\_\_\_\_

Address: \_\_\_\_\_

Phone: \_\_\_\_\_

Date(s) of alleged incident(s)/conduct: \_\_\_\_\_

Location(s) where the alleged incident(s)/conduct took place: \_\_\_\_\_

Name of person(s) who engaged in the conduct: \_\_\_\_\_

\_\_\_\_\_

List any witnesses: \_\_\_\_\_

Evidence (e.g. emails, photos, text messages, etc.). Attach copies if possible: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Describe the incidents(s)/conduct as clearly as possible. Attach additional pages if needed:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This complaint is filed based on my honest belief that \_\_\_\_\_ has engaged in conduct involving one or more of the following (mark all that apply):

**SCSBA**

**Harassment** based on my sex (including gender identity, sexual orientation, and pregnancy, childbirth, or any related medical conditions)

**Retaliation** based on:

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Suggested resolution/desired outcome: \_\_\_\_\_

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I agree that all of the information on this form is accurate and true to the best of my knowledge.

Complainant signature: \_\_\_\_\_ Date \_\_\_\_\_

Received by: \_\_\_\_\_ Date \_\_\_\_\_