

SEXUALLY RELATED STUDENT MISCONDUCT

The Zachary Community School Board disapproves of and does not tolerate sexual misconduct by employees to students, by students to employees, or by one student to another student. No employee or student, either male or female, should be subject to unsolicited and unwelcome sexual overtures or conduct, either verbal or physical. Sexual misconduct does not refer to occasional compliments of a socially acceptable nature. It refers to behavior that is not welcome, that is personally offensive, and therefore interferes with the purposes of the employee and/or student in the academic, extracurricular, and co-curricular atmosphere, but that does not rise to the level of sexual misconduct as defined by Title IX and Part 106 of Title 34 of the United States Code of Federal Regulations. Sexual misconduct includes any type of sexually coercive conduct, including, but not limited to, threats, comments, jokes or overtures of a sexual nature.

COVERAGE

This policy applies to all employees and volunteers, to the elected members of the School Board, and to all students of the Zachary Community School District. It applies at school, school sponsored events on or off school grounds, and in situations which are related to the school or school functions.

COMPLAINT PROCEDURE

Complaints of sexual misconduct which take place at school or at a school related function or arising out of the school setting should be promptly made to the principal of the school. Should the claim of sexual misconduct be brought against the principal of the school, the complaint should be brought directly to the Supervisor of Child Welfare and Attendance or his/her designee or the Title IX Coordinator. The complaint need not be in writing, but students are encouraged to do so. Such reports should include the nature of the complaint, recording the specific act or acts which constitute the misconduct complained of, the person or persons who the complainant alleges committed the misconduct, witnesses to the acts complained of, and the date and time of the alleged act or acts.

After notification of the complaint, a confidential investigation shall immediately be initiated to gather all facts about the complaint. The investigation may use some or all of the investigation procedures outlined policy *JCDAF, Bullying and Hazing*.

After the investigation has been completed, a determination shall be made regarding the resolution of the complaint. If warranted, disciplinary action shall be taken up to and including involuntary termination of an employee and/or expulsion of a student. Any disciplinary action regarding an employee shall be placed in the employee's personnel file which shall reflect the action taken and the grounds therefor. Any disciplinary action taken in regard to a student shall be maintained as any other student disciplinary violation.

SUSPECTED CHILD ABUSE

If the victim of the alleged sexual misconduct is a minor student and if the alleged misconduct falls within the definition of *abuse* as found in School Board policy *JGCE, Child Abuse*, then all school employees with knowledge shall be considered *mandatory reporters* and the allegations shall be reported to child protection or law enforcement as provided by state law and School Board policy. Such reporting shall be made in addition to any procedures for handling sexual misconduct complaints.

NONRETALIATION

Retaliation against any employee or student who brings sexual misconduct charges or who assists in investigating such charges shall be prohibited. Any employee or student bringing a sexual misconduct complaint or assisting in the investigation of such a Zachary Community School District complaint shall not be adversely affected, discriminated against or punished because of the complaint. Reports and complaints of such retaliation shall be handled in the same manner as those of sexual misconduct.

Revised: June 16, 2015

Revised: August 4, 2020

Ref: 20 USC §1681 et seq. (*Title IX of the Educational Amendments of 1972*); 29 CFR §1604.11 (*Guidelines on Discrimination Because of Sex-Sexual Misconduct*); 34 CFR Part 106 (*Nondiscrimination on the Basis of Sex in Education Programs*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 14:81.4, 15:539, 17:81, 17:160.7; 6-16-15, 8-4-20.