

SEXUALLY RELATED STUDENT MISCONDUCT

The Livingston Parish School District 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, to the elected members of the Livingston Parish School Board, and to all students of the Livingston Parish School System. It applies at school, school sponsored events on or off school grounds, and in situations which are related to the school.

COMPLAINT PROCEDURE

Complaints of sexual harassment which take place at school or at a school related function or arising out of the school setting should be made to the principal of the school. Should the claim of sexual harassment be brought against the principal of the school, the complaint should be brought directly to the Superintendent. After notification of the complaint, a confidential investigation will immediately be initiated to gather all facts about the complaint.

Complaints of sexual misconduct which take place at school or at a school related function or arising out of the school setting should be made to the principal of the school or other designated administrative personnel. 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 will immediately be initiated by the Superintendent or his/her designee 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 will be made regarding the resolution of the complaint. If warranted, disciplinary action must be taken up to and including involuntary termination of an employee and/or expulsion of a student. Any disciplinary action regarding an employee must be placed in the employee's personnel file which must reflect the action taken and the grounds therefor. Any disciplinary action taken in regard to a student will be maintained as any other student disciplinary violation.

NONRETALIATION

Retaliation against any employee or student who brings sexual misconduct charges or who assists in investigating such charges will be prohibited. Any employee or student bringing a sexual misconduct complaint or assisting in the investigation of such a complaint must not be adversely affected, discriminated against or punished because of the complaint.

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 will be considered *mandatory reporters* and the allegations must be reported to child protection or law enforcement as provided by state law and School Board policy. Such reporting must be made in addition to any procedures for handling sexual misconduct complaints.

Revised: August 6, 2020
Ratified: August 20, 2020

Ref: 42 USC 2000e (*Civil Rights-Definitions*); 29 CFR 1604.11 (*Guidelines on Discrimination Because of Sex-Sexual Misconduct*); La. Rev. Stat. Ann. §§14:41, 14:42, 14:42.1, 17:81; Board minutes, 8-6-20, 8-20-20.