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|  [YORK 3 /ROCK HILL SCHOOL DISTRICT](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=336756427&depth=2&djump=%27%27&infobase=york3_rock_hill.nfo&record=%7B1%7D&softpage=Document42)    [J - Students](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=336756427&depth=2&djump=%27%27&infobase=york3_rock_hill.nfo&record=%7B14D3%7D&softpage=Document42)        [Policy JIAA Sexual Harassment of Students](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=336756427&depth=2&djump=%27%27&infobase=york3_rock_hill.nfo&record=%7B164A%7D&softpage=Document42)            [AR JIAA-R Sexual Harassment of Students](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=336756427&depth=2&djump=%27%27&infobase=york3_rock_hill.nfo&record=%7B2903%7D&softpage=Document42)    |

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|  | **AR JIAA-R Sexual Harassment of Students** |  |
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|  | Issued 1/16 |  |
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|  | These procedures are intended to do the following: |  |
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|  | •   discourage employees and students from sexually harassing students of the district |  |
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|  | •   promote a harassment-free school environment |  |
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|  | •   remedy in a speedy manner any consequences of sexual harassment |  |
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|  | •   establish ongoing education and awareness of the problem of sexual harassment |  |
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|  | •   provide information about how to resolve claims of sexual harassment |  |
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|  | **Definition of Sexual Harassment** |  |
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|  | Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature under the following conditions: |  |
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|  | •   Submission to such conduct is made either expressly or implicitly a term or condition of a student’s education. |  |
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|  | •   Submission to or rejection of such conduct by an individual is used as a basis for educational decisions affecting a student. |  |
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|  | •   Such conduct has the purpose or effect of unreasonably interfering with a student’s education or creating an intimidating, hostile, or offensive school environment. |  |
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|  | Sexual harassment may include, but is not limited to, verbal harassment, including sexually offensive comments or slurs; physical harassment; physical interference with movement or work; or visual harassment such as sexually offensive cartoons, drawings, posters, images, or video. |  |
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|  | Not all behavior with sexual connotations constitutes sexual harassment under federal law. In order to qualify as a complaint under Title IX, sexual harassment must be sufficiently severe, persistent, or pervasive that it does one of the following: |  |
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|  | •   adversely affects a student’s education |  |
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|  | •   creates a hostile or abusive educational environment |  |
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|  | A one time incident must be severe to rise to the level of sexual harassment. |  |
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|  | Sexual harassment is prohibited against members of the same sex as well as against members of the opposite sex. |  |
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|  | **Behavior Prohibited of All Employees** |  |
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|  | No employee may condition an individual student’s education, educational benefit, or educational opportunity on the student’s acquiescence to any of the sexual behaviors defined above. |  |
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|  | No employee may retaliate against any student because that student has filed a complaint, testified, assisted, or participated in any manner in a sexual harassment investigation, proceeding, or hearing conducted by an authorized agency. |  |
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|  | No employee will tolerate a sexually hostile or offensive school environment created by any other employee or student who engages in sexual harassment. |  |
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|  | No employee will destroy evidence relevant to an investigation of sexual harassment. |  |
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|  | **Behavior Prohibited of All Employees and All Students** |  |
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|  | No employee or student of this district will create a sexually hostile or offensive school environment for any other student by engaging in any sexual harassment. |  |
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|  | No employee or student of this district will assist any individual in doing any act which constitutes sexual harassment against any other student. |  |
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|  | **Obligations of Administrators/Supervisors** |  |
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|  | *Preventive action* |  |
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|  | The district policy on sexual harassment and this administrative rule will be referenced in employee and student handbooks. |  |
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|  | All administrators/supervisors will give a copy of district policy on sexual harassment and this administrative rule to all employees. The district will give a copy of the student handbook to all students. |  |
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|  | The district policy on sexual harassment and this administrative rule will be available in each school's media center and the district office. |  |
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|  | Annually, administrators/supervisors will ensure that the provisions of the district policy on sexual harassment and this administrative rule, as well as an orientation on the definition of sexual harassment, the procedures for registering a complaint about sexual harassment, and the redress available are reviewed with all employees and students. With regard to students, such review and orientation will take into consideration, and be appropriate to, the students’ ages. |  |
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|  | The district will make information from the U. S. Department of Education, Office of Civil Rights (OCR) about filing claims of sexual harassment with OCR available through the personnel office. |  |
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|  | Annually, the administrators/supervisors will attend a training session on sexual harassment which will cover the definition of sexual harassment, the district’s commitment to eliminating and avoiding sexual harassment in the schools, the penalties for engaging in sexual harassment, and the procedures for reporting incidents of sexual harassment. |  |
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|  | *Investigative/corrective action* |  |
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|  | Any student who feels that he/she has been the object of sexual harassment is encouraged to file a complaint with the student’s principal (except for situations covered in the following paragraph). Such a complaint may be filed by the student’s parent/legal guardian. |  |
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|  | Under no circumstances will a student be required to first report allegations of harassment to the principal if that person is the individual the student is accusing of the harassment. In such cases, the student or the student’s parent/legal guardian will contact the director of personnel. |  |
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|  | The administrator/supervisor will, within three working days, initiate an investigation of any incident of alleged sexual harassment reported to them or observed by them. Personnel will maintain confidentiality throughout the investigation. Only those who have an immediate need to know may be provided the identity of the complainant. |  |
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|  | Upon the completion of the investigation, the administrator/supervisor will report in writing the results of any investigation of sexual harassment, including corrective or disciplinary action taken, to the personnel director and to the complainant and/or the complainant’s parent/legal guardian. |  |
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|  | If an employee or student is determined to have sexually harassed a student, the administrator/ supervisor will take whatever disciplinary action he/she determines is warranted, up to and including termination of an employee or expulsion of a student. |  |
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|  | Even if the employee has been terminated or the student expelled, the administrator/supervisor will follow up within three months of any reported incident of sexual harassment to determine whether the complainant has been subjected to any further sexual harassment. |  |
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|  | The administrator/supervisor having reason to believe that a child's physical or mental health or welfare has been or may be adversely affected by abuse or neglect will report such conduct in accordance with state law and board policy [JLF](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=336756427&infobase=york3_rock_hill.nfo&jump=JLF&softpage=Document42" \l "JUMPDEST_JLF) (Student Welfare) on reporting child abuse or neglect. |  |
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|  | **Obligations of All Employees and Students** |  |
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|  | All employees and students will report to their immediate supervisor or teacher, respectively, any conduct on the part of non-employees, such as sales representatives, service vendors, or employees from another district, etc. which is believed to constitute sexual harassment. The supervisor or teacher will report this information in writing to the supervisor of the non-employee for investigation. This information must also be reported to the appropriate principal and the director of personnel. |  |
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|  | All employees and students will cooperate with and maintain the confidentiality of any investigation of alleged acts of sexual harassment conducted by the district or by any appropriate governmental agency. |  |
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|  | The district prohibits any action to discourage any student from reporting alleged sexual harassment. |  |
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|  | The district prohibits retaliation in any way against an employee or student who has provided information as a witness to an incident of sexual harassment. |  |

FILE: JIAA-E SEXUAL HARASSMENT FORMAL COMPLAINT FORM

Name of student complainant: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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

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

Parent's / Guardian name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

School: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Grade: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name(s) of alleged harasser(s): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Approximate date(s) of alleged harassment or when harassment began, if ongoing:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Location or situation where alleged harassment occurred, or is occurring:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Nature of the harassment: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Name and position of individual who conducted your informal consultation:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Other individuals in whom you have confided about the alleged sexual harassment:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Individuals you believe may have witnessed, or also been subjected to, the alleged sexual harassment: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Remedy sought: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

Signature of complainant or Date

Complainant's parent/legal guardian

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

Signature of individual receiving complaint Date

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|   [YORK 3 /ROCK HILL SCHOOL DISTRICT](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&depth=2&infobase=york3_rock_hill.nfo&record=%7B1%7D&softpage=Document42)    [J - Students](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&depth=2&infobase=york3_rock_hill.nfo&record=%7B14D3%7D&softpage=Document42)        [Policy JICFA Hazing](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&depth=2&infobase=york3_rock_hill.nfo&record=%7B275F%7D&softpage=Document42)    |

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|  | **Policy JICFA Hazing** |  |
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|  | Issued 1/16 |  |
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|  | Purpose: To establish the basic structure for maintaining a safe, positive environment for students and staff that is free from hazing. |  |
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|  | The district prohibits hazing by students, staff, and third parties as a part of any school-sponsored activity. All students and employees must avoid any action that could be viewed as planning, directing, encouraging, assisting, or engaging in any hazing activity. Further, no administrator, coach, sponsor, volunteer, or district employee will permit, condone, or tolerate any form of hazing. |  |
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|  | For purposes of this policy, state law defines hazing as “the wrongful striking, laying open hand upon, threatening with violence, or offering to do bodily harm by a superior student to a subordinate student with intent to punish or injure the subordinate student, or other unauthorized treatment by the superior student of a subordinate student of a tyrannical, abusive, shameful, insulting, or humiliating nature.” |  |
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|  | Any hazing activity, whether by an individual or a group, will be presumed to be a forced activity, even if a student willingly participates. |  |
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|  | Any student who feels he/she has been subjected to hazing is encouraged to file a complaint. All complaints will be investigated promptly and confidentially. The district prohibits retaliation or reprisal in any form against a student who has filed a complaint of hazing. |  |
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|  | Any student or employee who is found to have engaged in hazing will be subject to disciplinary action, up to and including termination in the case of an employee or expulsion in the case of a student. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation. |  |
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|  | The superintendent or his/her designee will be responsible for ensuring notice of this policy is provided to students, staff, and parents/legal guardians. |  |
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|  | Cf. [GBEB](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&infobase=york3_rock_hill.nfo&jump=GBEB&softpage=Document42" \l "JUMPDEST_GBEB), [JIC](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&infobase=york3_rock_hill.nfo&jump=JIC&softpage=Document42#JUMPDEST_JIC) |  |
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|  | Adopted 1/25/16 |  |
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|  | Legal references: |  |
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|  | S. C. Code, 1976, as amended: |  |
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|  | [Section 16-3](http://policy.microscribepub.com/redirector/?loc=sc&cat=code&id=16-3" \t "_top)-510 - Organizations and entities revised (hazing unlawful; definitions). |  |
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|  | [Section 59-19](http://policy.microscribepub.com/redirector/?loc=sc&cat=code&id=59-19" \t "_top)-90 - General powers and duties of school trustees. |  |
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|  | [Sections 59-63](http://policy.microscribepub.com/redirector/?loc=sc&cat=code&id=59-63" \t "_top)-210 through 270 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities. |  |
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|  | [Section 59-63](http://policy.microscribepub.com/redirector/?loc=sc&cat=code&id=59-63" \t "_top)-275 - Student hazing prohibited. |  |
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|  | [Section 59-67](http://policy.microscribepub.com/redirector/?loc=sc&cat=code&id=59-67" \t "_top)-240 - Other duties of bus driver; discipline of students for misconduct. |  |
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|  | State Board of Education Regulations: |  |
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|  | [R43-279](http://policy.microscribepub.com/redirector/?loc=sc&cat=reg&id=43-279" \t "_top) - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts. |  |
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|  [YORK 3 /ROCK HILL SCHOOL DISTRICT](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&depth=2&infobase=york3_rock_hill.nfo&record=%7B1%7D&softpage=Document42)    [J - Students](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&depth=2&infobase=york3_rock_hill.nfo&record=%7B14D3%7D&softpage=Document42)        [Policy JICFAA Harassment, Intimidation or Bullying](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&depth=2&infobase=york3_rock_hill.nfo&record=%7B29A0%7D&softpage=Document42)    |

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|  | **Policy JICFAA Harassment, Intimidation or Bullying** |  |
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|  | Issued 1/16 |  |
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|  | Purpose: To establish the basic structure for maintaining a safe, positive environment for students and staff that is free from harassment, intimidation, or bullying. |  |
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|  | The board prohibits acts of harassment, intimidation, or bullying of a student by students, staff, and third parties that interfere with or disrupt a student’s ability to learn and the school’s responsibility to educate its students in a safe and orderly environment whether in a classroom, on school premises, on a school bus or other school-related vehicle, at an official school bus stop, at a school-sponsored activity or event whether or not it is held on school premises, or at another program or function where the school is responsible for the student. |  |
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|  | For purposes of this policy, harassment, intimidation, or bullying is defined as a gesture, electronic communication, or a written, verbal, physical, or sexual act reasonably perceived to have the effect of either of the following: |  |
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|  | •   harming a student physically or emotionally or damaging a student’s property or placing a student in reasonable fear of personal harm or property damage |  |
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|  | •   insulting or demeaning a student or group of students causing substantial disruption in, or substantial interference with, the orderly operation of the school |  |
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|  | •   demonstrates motivation by any actual or perceived characteristic, such as race, color, religion, ancestry, national origin, gender, sexual orientation, gender identity, and expression or a mental, physical, or sensory disability or by any other distinguishing characteristic |  |
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|  | Any student who feels he/she has been subjected to harassment, intimidation, or bullying is encouraged to file a complaint in accordance with procedures established by the superintendent. Complaints will be investigated promptly, thoroughly, and confidentially. All school employees are required to report alleged violations of this policy to the principal or his/her designee. Reports by students or employees may be made anonymously. |  |
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|  | The district prohibits retaliation or reprisal in any form against a student or employee who has filed a complaint or report of harassment, intimidation, or bullying. The district also prohibits any person from falsely accusing another as a means of harassment, intimidation, or bullying. |  |
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|  | The board expects students to conduct themselves in an orderly, courteous, dignified, and respectful manner. Students and employees have a responsibility to know and respect the policies, rules, and regulations of the school and district. Any student or employee who is found to have engaged in the prohibited actions as outlined in this policy will be subject to disciplinary action, up to and including expulsion in the case of a student or termination in the case of an employee. Individuals may also be referred to law enforcement officials. The district will take all other appropriate steps to correct or rectify the situation. |  |
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|  | Students, parents/legal guardians, teachers, and staff members should be aware that the district may take disciplinary actions for conduct initiated and/or created off-campus involving the inappropriate use of the Internet or web-based resources if such conduct poses a threat or substantially interferes with or disrupts the work and discipline of the schools, including discipline for student harassment and bullying. |  |
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|  | The superintendent or his/her designee will be responsible for ensuring notice of this policy is provided to students, staff, parents/legal guardians, volunteers, and members of the community, including its applicability to all areas of the school environment as outlined in this policy. |  |
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|  | The superintendent or his/her designee will also ensure that a process is established for discussing the district policy with students. |  |
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|  | Cf. [GBEB](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&infobase=york3_rock_hill.nfo&jump=GBEB&softpage=Document42" \l "JUMPDEST_GBEB), [JIC](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&infobase=york3_rock_hill.nfo&jump=JIC&softpage=Document42#JUMPDEST_JIC), [JICDA](http://policy.microscribepub.com/cgi-bin/om_isapi.dll?clientID=625940457&infobase=york3_rock_hill.nfo&jump=JICDA&softpage=Document42#JUMPDEST_JICDA) |  |
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|  | Adopted 1/22/07; Revised 11/28/11, 1/25/16 |  |
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|  | Legal references: |  |
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|  | S. C. Code, 1976, as amended: |  |
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|  | [Section 16-3](http://policy.microscribepub.com/redirector/?loc=SC&cat=code&id=16-3" \t "_top)-510 - Organizations and entities revised (hazing unlawful; definitions). |  |
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|  | [Section 59-19](http://policy.microscribepub.com/redirector/?loc=SC&cat=code&id=59-19" \t "_top)-90 - General powers and duties of school trustees. |  |
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|  | [Section 59-63](http://policy.microscribepub.com/redirector/?loc=SC&cat=code&id=59-63" \t "_top)-110, *et seq*. - Safe School Climate Act. |  |
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|  | [Sections 59-63](http://policy.microscribepub.com/redirector/?loc=SC&cat=code&id=59-63" \t "_top)-210 through 270 - Grounds for which trustees may expel, suspend or transfer pupils; petition for readmission; notices and parent conferences; expulsion for remainder of year and hearings; transfer of pupils; corporal punishment; regulation or prohibition of clubs or like activities. |  |
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|  | [Section 59-63](http://policy.microscribepub.com/redirector/?loc=SC&cat=code&id=59-63" \t "_top)-275 - Student hazing prohibited. |  |
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|  | [Section 59-67](http://policy.microscribepub.com/redirector/?loc=SC&cat=code&id=59-67" \t "_top)-240 - Other duties of bus driver; discipline of students for misconduct. |  |
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|  | Federal Cases: |  |
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|  | *Kolwalski v. Berkeley County Schools*, 652 F.3d 565 (4th Cir. 2011). |  |
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|  | State Board of Education Regulations: |  |
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|  | [R43-279](http://policy.microscribepub.com/redirector/?loc=SC&cat=reg&id=43-279" \t "_top) - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts. |  |
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**CODE OF CONDUCT**

*Code* **JICDA** *Issued* **DRAFT/16**

Purpose: To establish the basic structure for a code of conduct and discipline for students.

The board expects students to conduct themselves in an orderly, courteous, dignified and respectful manner. This requirement refers to their actions toward other students and teachers, their language, their dress and their manners. The board believes self-discipline is an interpersonal goal of public education.

Students have a responsibility to know and respect the policies, rules and regulations of the school and district. Violations of such policies, rules and regulations will result in disciplinary actions.

The district's code of conduct and discipline is established to achieve and maintain order in the schools. In administrative rule JICDA-R, the administration offers a list of offenses along with the required or recommended dispositions for the information of students, parents/legal guardians and school personnel.

Disciplinary actions will include appropriate hearings and review. The removal of a student from the learning environment will occur only for just cause and in accordance with due process of law. The board authorizes its school authorities to employ probation and suspension and to recommend expulsion, if necessary, to enforce this policy (see policies JKD and JKE). The administration will consider extenuating circumstances when taking disciplinary action.

The administrative rule is effective during the following times and in the following places.

* on the school grounds during and immediately before or immediately after school hours
* on the school grounds at any other time when the school is being used by a school group
* off the school grounds at a school activity, function or event
* en route to and from school on a school bus or other school vehicle or at an official school bus stop
* at any time or place that has a direct and immediate effect on maintaining order and discipline in the Rock Hill School District.

Adopted 10/23/89; Revised 5/28/90, 06/28/04, 6/25/07, 2/27/12, ^

Legal references:

1. S.C. Code, 1976, as amended:
2. Section 59-19-90(3) - General powers and duties of school trustees - regulation of student conduct.
3. Sections 59-63-210 through 280 - Grounds for which trustees may expel, suspend or transfer pupils~~.~~
4. Section 59-67-240 - Other duties of bus driver; discipline of students for misconduct.

B. State Board of Education Regulations:

 1. R43-243 - Special education discipline guidelines.

 2. R43-279 - Minimum standards of student conduct and disciplinary enforcement procedures to be implemented by local school districts.

*Policy*

**STUDENT INTERROGATIONS, SEARCHES**

**AND ARRESTS**

*Code* **JIH** *Issued* **DRAFT/16**

Purpose: To establish the basic structure for conducting searches of students or their property and interrogations and arrests of students.

Students do not lose their constitutional rights upon entering school premises. The Fourth Amendment to the United States Constitution protects all citizens, including students, from unreasonable searches.

However, students and their belongings are subject to reasonable searches and seizures when administrators have a belief considered to be reasonable under these circumstances.

* A student committed a crime or a violation of a school rule.
* Such a search may reveal contraband or evidence of a violation of a school rule or a criminal law.

Any search conducted must be reasonable in scope given the age and sex of the student and the nature of the alleged infraction.

Only the principal or his/her designee may conduct such searches within the constitutional parameters outlined above unless exigent circumstances exist which require another staff member to take immediate action for safety reasons.

**School lockers and desks**

All lockers are the property of the school district. School officials may conduct searches of lockers in accordance with publicized administrative rules.

**Motor vehicles**

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver to allow a search of that motor vehicle when there is reasonable suspicion for a search of that motor vehicle. School officials may conduct searches of motor vehicles in accordance with publicized administrative rules.

**Use of dogs for searches**

Board policy permits district personnel to conduct random blanket searches of school property with professionally trained handlers and dogs for the purposes of detecting the presence of illegal materials. Dog searches must be documented on the proper form (JIH-E(1)).

**Interrogations by school personnel**

Teachers and principals may question students about any matter pertaining to the operation of a school and/or enforcement of its rules. The staff member will conduct the questioning discreetly and under circumstances which will avoid unnecessary embarrassment to the student being questioned. Any student who answers falsely or evasively or who refuses to answer a proper question may be disciplined.

**Contacting law enforcement**

School administrators will contact law enforcement authorities immediately upon notice that a person is engaging in, or has engaged in, certain activities on school property or at a school sanctioned or sponsored activity. Those activities are ones which may result, or do in fact result, in injury or serious threat of injury to the person or to another person or his/her property.

**Interrogations by police**

When law enforcement officers find it necessary to question students during the school day, the school principal or his/her designee may be present. Officers will conduct the questioningdiscreetly and under circumstances which will avoid unnecessary embarrassment to the student being questioned. The principal or his/her designee will make a reasonable effort to notify the parents/legal guardians.

**Custody or Arrest**

Law enforcement authorities have the right to enter the school to take a student into custody or to make a lawful arrest of a student provided that they act pursuant to lawful procedure. The principal will assist the law enforcement officer in assuring that all procedural safeguards as prescribed by law are observed. If a student is arrested or taken into custody at school, the principal or his/her designee will make a reasonable effort to notify the parents/legal guardians.

Adopted 7/23/79; Revised 5/28/90, 6/28/04, 10/26/09, ^

Legal references:

A. S.C. Code, 1976, as amended:

1. Section 59-24-60 - Requires administrators to contact law enforcement.
2. Section 59-63-1110, *et seq*. - Search of persons and effects on school property.

B. Federal Cases:

 1. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).

*Administrative Rule*

**STUDENT INTERROGATIONS, SEARCHES**

**AND ARRESTS**

*Code* **JIH-R** *Issued* **DRAFT/16**

**Justification for student searches**

Students possess the right to be free of unreasonable searches and seizures under the fourth amendment to the United States Constitution. Balanced against this right is the responsibility of school officials to create and maintain an environment consistent with the district's educational mission.

**Prohibited items**

Students may not bring to school items or substances which would disrupt the educational function of the school or which are prohibited by school board regulations or by law. Examples of items or substances in this category include, but are not limited to, weapons, clubs, explosives, firecrackers, alcoholic beverages and nonprescription drugs or drug paraphernalia.

**Lockers and other school property**

The district provides lockers or other storage spaces to students for their convenience. These storage areas remain school property and, as such are subject to periodic inspections by school authorities. The principal or his/her designee may search a student's locker or storage space when such employee has reasonable suspicion that the locker or storage space is improperly used for the storage of any substance or object, the possession of which is illegal, or may pose a hazard to the safety of the school. Unless an emergency exists, the student should be present and personally remove the contents of the locker or storage space for inspection. General locker or storage space searches may be called for at any time to include all lockers or storage spaces in a selected section of lockers or storage spaces for general housekeeping and safety of the school.

The school principal or his/her designee will maintain an accurate list of all locker or storage space assignments and either a master key or combinations to all lockers and storage spaces.

At the time a student is assigned to a locker or storage space, he/she must be informed that school authorities are empowered to conduct random periodic inspections of school lockers and storage spaces. School authorities will post notices of this inspection policy in appropriate locations throughout the school.

School authorities will also inform students of the following locker and storage space regulations.

* Students are responsible for the contents of the locker or storage space assigned to them.
* Students are to keep their lockers or storage space secured/locked.
* Students are not to give other students access to their locker or storage space.

**Emergencies**

Circumstances which put the safety of students or school staff at risk or could result in substantial property damage also will constitute sufficient reasons for school or police officials to conduct a thorough search of all school property. A bomb scare is an example of such an emergency.

**Student searches**

No school personnel will conduct a search which may be considered a strip search.

All searches of students must be conducted or authorized by the principal or his/her designee in the presence of a witness. The administration will be trained in the proper procedure for conducting searches.

When the need to search a student arises, the student may be asked to consent to the search. In no event will the principal threaten the student with harsher punishment or treatment for refusing to consent nor will the student be coerced or induced to give consent in any other manner. The consent, if given, will be put in writing.

School personnel may, in the course of an investigation and upon reasonable suspicion, ask a student voluntarily to empty the contents of his/her pockets, wallet, purse or similar bags or places of potential concealment or to allow school personnel to search a wallet, purse, bag or other items of potential concealment not a part of immediate wearing apparel such as shoes or a jacket.

If a personal search is deemed necessary, or if the search of a pocket, wallet, purse or similar bag or place of potential concealment is deemed necessary and not voluntarily consented to by the student, school personnel will request the parent/legal guardian to perform the search or the matter may be turned over to the appropriate law enforcement agency.

*School officials may refer to the Checklist for Student Search [JIH-E(2)] when conducting a search of a student or the student’s effects, locker or storage space, desk or motor vehicle.*

**Use of trained dogs**

The exposure of student containers, packages, lockers or storage spaces, vehicles, desks, book bags, satchels and other similar personal belongings to a reliable and trained “dog sniff,” when not in a student’s possession, in most circumstances is neither a search nor a seizure. A dog sniff of the above items does not expose non-contraband items into view and discloses only the presence or absence of contraband. Sniffing of an individual by trained dogs, however, may constitute a search, and their use on school property may be disruptive and threatening to students and school personnel.

Accordingly, school officials will only utilize trained dogs on district property under the following circumstances.

* Only trained and proven reliable dogs may be utilized on school grounds
* Dogs will be under the control, direction and supervision of a trained dog handler and will be on a leash or subject to appropriate restraint at all times
* Dogs will only be utilized when determined to be reasonable under all the circumstances by the school principal or his/her designee
* Dogs will not sniff an individual unless determined to be reasonable in all respects under the criteria above; however, actual physical contact between dogs and individuals should be avoided.

In all circumstances, school officials will make reasonable efforts to minimize the exposure of students to dogs. Should a dog alert its handler to the presence of any contraband, school officials may conduct a search in accordance with the procedures set forth in the section above.

A Canine Search Report [JIH-E(1)] must be completed and sent to the office of student services within 48 hours of the search being completed.

**Motor vehicles**

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver to allow search of that motor vehicle when there is reasonable suspicion for a search of that motor vehicle. The act of bringing a motor vehicle upon school premises will allow school officials to presume consent by the student, parent/legal guardian or owner of the vehicle for a search of that motor vehicle. Refusal by a student, parent/legal guardian or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle will be cause for termination without further hearing of the privilege of bringing a motor vehicle onto school premises. The principal or his/her designee may request a law enforcement officer to search a motor vehicle on school premises, subject to provisions of this policy.

**Police notification**

School administrators will contact law enforcement authorities with regard to possession of items that constitute a violation of law.

Issued 1026/09; Revised ^