

# STUDENT SEX/GENDER DISCRIMINATION

Code : **JIAA**      Adopted:

The district prohibits discrimination and harassment on the basis of sex or gender in all of its programs and activities by its employees, students and third parties.

**Note: Upon receipt of a complaint under this policy, the administrator shall consult with the Title IX coordinator for guidance. This policy does not apply to any conduct that rises to the level of sexual harassment, as determined by the Title IX coordinator, consistent with the 2020 Title IX regulations addressed board policies JCE.**

All students and employees must avoid any action or conduct which could be viewed as sex/gender discrimination or harassment or inappropriate conduct of a sexual nature, including acts of sexual violence or conduct which create a hostile environment. This includes any action or conduct communicated or performed in person, in writing or electronically through such means as a cell phone, computer or other telecommunication device, and includes text messaging and social networking.

## Definitions:

Sex/Gender discrimination consists of unfair or different treatment of an individual or group of individuals based on sex or gender (including gender identity, sexual orientation, and pregnancy, childbirth and any related medical conditions).

Any student who believes they have been subjected to sex/gender discrimination is encouraged to file a complaint in accordance with Title IX. A parent/legal guardian may also file a complaint on behalf of their child. All allegations will be investigated promptly. Student who file such a complaint will not be subject to retaliation or reprisal in any form.

Any employee who is found to have engaged in sex/gender discrimination or harassment, or inappropriate conduct of a sexual nature, will be subject to disciplinary action, up to and including, a recommendation of termination. Any student who is found to have engaged in sex/gender discrimination or harassment, will be subject to disciplinary action, up to and including, a recommendation of expulsion. If a non-employee including, but not limited to, an individual working in the district through another agency or third party, a contractor, a sales representative or a service vendor is determined to have engaged in sex/gender discrimination or harassment or engaged in inappropriate conduct of a sexual nature toward an employee or student, the district will take appropriate action against the individual, including severing the relationship with the individual or entity. The district will take all other appropriate steps to correct or rectify the situation.

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## Legal references:

United States Code of Laws, as amended:

Age Discrimination Act of 1975, 42 U.S.C.A Section 6106, *et. seq.*

Americans with Disabilities Act of 1990, 42 U.S.C.A. Section 12101, *et. seq.*

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C.A. Section 701, *et. seq.*

Title II of the Americans with Disabilities Act, 42 U.S.C.A> Section 12132.

Title IV of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000c, *et. seq.*

Title VI of the Civil Rights Act of 1964, 42 U.S.C.A. Section 2000d, *et. seq.*

Title IX of the Education Amendments of 1972, 20 U.S.C.A. Section 1681, *et. seq.*

S.C.Code of Laws, 1976, as amended:

Section 16-3-755 – Sexual battery with a student.