

**Harassment**

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The Cherokee County Board of Education prohibits discrimination and harassment based upon “Constitutionally-Protected Differences” and other legally protected statuses (e.g., race, age, color, religion, national origin, disability or any other constitutionally protected class or status). As such, it is the policy of the School District to address such complaints at the lowest level of administration in order to quickly and efficiently resolve all such matters. Due to the May 6, 2020 amendment to Title IX, Board Policy JCAC will no longer address sexual harassment. For the Cherokee County Board of Education’s Policy and Grievance Procedures on sexual harassment, please refer to JCAC (II), which specifically addresses sexual harassment as defined in Title IX.

All employees are responsible for prevention of harassment and discrimination against students/employees, including the responsibility to report any conduct which they believe to be in violation of this policy. No person will be subject to retaliation or reprisal for making a good faith complaint under this policy or for participating in an investigation.

This Policy establishes the role and responsibility of the applicable Title Coordinator(s) (“Coordinator”) and the role of the Chief Operations Officer (COO) in action steps, and the collection and analysis of reporting data in this regard.

The Superintendent will also develop administrative checklists to aid investigations.

**I. DEFINITION**

Harassment and discrimination may include any conduct which has the effect of unreasonably interfering with a student’s participation in an educational program or activity, including conduct by school employees, students or others. Examples may include racially offensive jokes, slurs or comments; different treatment of students based upon Constitutionally-Protected Differences and/or other legally protected statuses; display or communication of racially offensive photographs, writing or materials; or conditioning educational benefits on a student’s participation in, or reaction to, such conduct. Discipline and/or supportive measures may be imposed for such conduct without regard to whether it rises to the level of a violation of law.

**II. COMPLAINT PROCEDURES**

Complaints made to the School District regarding alleged discrimination, harassment or retaliation for complaints about, or opposition to discrimination or harassment will be processed in accordance with the following procedure:

1. Any student or other person with a complaint alleging a violation as described above will promptly notify the Coordinator, as annually appointed by the Superintendent, and/or principal of the school or work site location supervisor attended by the person believed to have suffered discrimination/harassment. If a report is made to a principal or work location supervisor, the principal or work location supervisor will forward the complaint to the Coordinator. The complainant need not be the victim of the discrimination/harassment, but may be any person aware of the conduct.

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2. Upon receipt of a discrimination/harassment complaint, the Coordinator will (a) facilitate a prompt investigation of the complaint, (b) take any interim action necessary to protect students, staff or operations of the school or work location pending the result of the investigation, and (c) make any necessary reporting of the allegations. Said investigation will consist at a minimum of interviewing the complainant, accused person(s), and persons with direct knowledge of the alleged events. Said investigation will be concluded as soon as practicable, and generally within fifteen (15) business days (defined as days when the School District Central Office is open for business) of receipt of the complaint. Upon completion of the investigation the Coordinator will initiate such remedial actions as are necessary to prevent any further harassment. Such steps may include: counseling, suspension, expulsion, or any other remedial action deemed appropriate to address and eliminate further discrimination/harassment. Upon completion of the investigation the Coordinator will notify appropriate parties (which may include the alleged victim(s), accused, and/or their parents or legal guardians) in writing of the substance of the investigation and remedial measures to be taken pending any appeal. The Coordinator will retain, review and analyze the investigative file of each complaint and will report the results of the review and analysis annually to the Superintendent.
3. The complainant may seek a review of the initial decision by written request received by the Coordinator within five (5) business days of the date of the decision.
4. Upon timely written request, the Coordinator will forward a copy of the investigative file to the COO. The COO or designee will have up to fifteen (15) business days to review the appeal, investigative file and the previous decision and determine, if additional investigation is warranted, any change in the remedial action recommended. The COO or designee will promptly notify appropriate parties of the appeal decision.
5. The decision of the COO or his/her designee will be the final decision under this policy. Additional due process will be provided for any disciplinary measures as required by law.

The complainant retains at all times the right to contact the Office of Civil Rights or the Equal Employment Opportunity Commission with regard to any allegations that the School District has violated any law.

This Policy will be distributed to all students annually. Additionally, the Coordinator and other employees designated by the Superintendent will receive appropriate training in investigating, remediating and analyzing complaints of discrimination/harassment on an annual basis.

\*Appropriate Federal agencies promulgate regulation from time-to-time to implement Federal Laws prohibiting discrimination in schools and the workplace. To the extent that this Policy is inconsistent with or conflicts with any of those regulations, the current regulation controls, and

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the part or parts of this Policy inconsistent with or in conflict with those regulations will be rescinded.

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**ADOPTED: August 2, 2001**

**REVISED: November 19, 2020**

**Cherokee County Board of Education**