

HAMPTON DISTRICT ONE

TITLE IX COMPLIANCE MANUAL

AUGUST 2014

TITLE IX NOTICE OF NON-DISCRIMINATION

Hampton School District One does not discriminate on the basis of sex in its programs and activities. No person shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subject to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by Hampton School District One. Additionally, Hampton School District One does not discriminate in its employment practices.

Any questions about Title IX should be referred first to one of the district's designees; however, you may also contact The Office For Civil Rights, US Department of Education, 400 Maryland Avenue, SW, Washington, DC 20202. Phone: 202-453-6020. The following persons have been designated to handle inquiries regarding the district's non-discrimination policy:

Name: Toreacher Dobson (or current Deputy Superintendent)
Title: Deputy Superintendent
Address: P. O. Box 177, Hampton, SC 29924
Phone: (803) 943-4576
Email: tdobson@hampton1.k12.sc.us

OR

Name: Marelyn Murdaugh (or current Director)
Title: Director of Exceptional Children
(504 Coordinator)
Address: P. O. Box 784, Hampton, SC 29924
Phone: 803-943-9434
Email: mmurdaugh@hampton1.k12.sc.us

TITLE IX COMPLAINT PROCEDURES

Hampton School District One does not discriminate on the basis of sex in its programs and activities. No person shall, on the basis of sex, be excluded from participation in, be denied the benefit of, or be subject to discrimination under any academic, extracurricular, research, occupational training, or other education program or

activity operated by Hampton School District One. Additionally, Hampton School District One does not discriminate in its employment practices.

Complaints alleging any action prohibited by Title IX, including sexual harassment should be reported directly to the building level principal or program director. These individuals, upon receiving the initial complaint or allegation, should launch an immediate investigation into the complaint or allegation to determine the validity of the complaint or allegation and determine if a prompt and equitable resolution can be reached among all parties. If the findings from the initial inquiry/investigation indicate that an action prohibited by Title IX, including sexual harassment occurred or may have occurred, the principal or director will verbally notify the district's Title IX Coordinator of the complaint and submit a written copy of the complaint to the Title IX Coordinator. Notification of an official Title IX complaint must be given to the Title Coordinator within 24 hours of the initial complaint.

A timeline for the various stages of the formal investigation begins within 24 hours of the initial complaint. The Title IX Coordinator and the reporting administrator will work together to establish the timeline.

Once a complaint is received, the building level principal or program director is responsible for investigating complaints under the grievance procedures, taking appropriate interim measures during the grievance process, and seeking disciplinary action against the accused (where appropriate). Appeals will be handled by the Superintendent or his designee, which may be District Title IX Coordinator or another district level administrator.

The Title IX Coordinator is responsible for monitoring the process and insuring that the established timeline is adhered to by district personnel.

Hampton School District One principals and program directors are:

Principal - Wade Hampton High School

Current Principal:

Dr. Barry Rosenberg
115 Airport Road
Varnville, SC 29944
Phone: 803-943-3568

E-mail: brosenberg@hampton1.k12.sc.us

Principal - North District Middle School

Current Principal:

Ms. Patricia Brantley
611 Tillman Avenue
Varnville, SC 29944
Phone: 803-943-3507

Email: pbrantley@hampton1.k12.sc.us

Principal - Hampton Elementary School

Current Principal:

Ms. Bonnie Wilson
505 Hoover Street, S.
Hampton, SC 29924
Phone: 803-943-3251

Email: bwilson@hampton1.k12.sc.us

Principal - Varnville Elementary School

Current Principal:

Ms. Donna Kinard
395 Pine Street
Varnville, SC 29944
Phone: 803-943-2376

Email: dkinard@hampton1.k12.sc.us

Principal - Ben Hazel Primary School

Current Principal:

Ms. Cassandra Williams
628 Railroad Avenue W.
Hampton, SC 29924
Phone: 803-943-3659

Email: cwilliams@hampton1.k12.sc.us

Principal - Brunson Elementary School

Current Principal:

Mr. Greg Ackerman
34 College Street
Brunson, SC 29911

Phone: 803-398-5584

Email: gackerman@hampton1.k12.sc.us

Principal - Fennell Elementary School

Current Principal:

Mr. Willie F. Coker
131 Yemassee Highway
Yemassee, SC 29945
Phone: 803-398-5591

Email: wcoker@hampton1.k12.sc.us

Director - Student Support Services/
Alternative School

Current Director:

Ms. Kakela Robinson
964 W. Palmetto Avenue
Varnville, SC 29924
Phone: 803-943-2485

Email: krobinson@hampton1.k12.sc.us

Director - Special Projects /
Federal Programs

Current Director:

Mr. Jack Hutto
372 E. Pine Street
Varnville, SC 29944
Phone: 803-943-3400

Email: jhutto@hampton1.k12.sc.us

Director - Special Services/
Exceptional Children

Current Director:

Ms. Marelyn Murdaugh
372 E. Pine Street
Varnville, SC 29944
Phone: 803-943-9434

Email: mmurdaugh@hampton1.k12.sc.us

Director - Adult Education

Current Director:

Ms. LaSonya Bryson Murdaugh
372 E. Pine Street
Varnville, SC 29944
Phone: 803-943-4576

Email: lmurdaugh@hampton1.k12.sc.us

Director - Food Service and Attendance

Current Director:

Ms. Mozelle Murdaugh
372 E. Pine Street
Varnville, SC 29944
Phone: 803-943-4011

Email: wmurdaugh@hampton1.k12.sc.us

Title IX Grievance Procedures

Hampton District One will investigate, address, and respond to all complaints in accordance with the requirements of Title IX and its implementing regulations and OCR guidance whether reported (verbally or in writing) by the student, a witness, a parent, or any other individual; observed by a district employee; or brought to the district's attention by any other means. All parties have the right to file a complaint alleging non-compliance with the regulations outlined in Title IX of the Education Amendments of 1972.

Complaints may be filed with the building principal or the District's Title IX Coordinator:

Toreacher Dobson
Deputy Superintendent
P. O. Box 177
Hampton, SC 29924
Ph. 803-943-4576 Ext. 1002
Email: tdobson@hampton1.k12.sc.us

Marelyn Murdaugh
Director of Special Services
P. O. Box 784
Hampton, SC 29924
Ph. 803-943-9434
Email: mmurdaugh@hampton1.k12.sc.us

Statement of Assurances:

The District will not require the reporting party to resolve the issue with the alleged offender without the appropriate involvement of the District. The alleged victim retains the right to stop any informal resolution attempts and proceed with a formal complaint.

The District will consider the potential impact of sexual harassment beyond the school campus of the complainant that may have an impact on his or her environment within the school campus.

The District will consider providing interim measures in relation to those involved in the complaint while the District conducts an investigation, including separating the parties, providing counseling, making academic adjustments, etc. The building principal has the authority to implement such measures.

The District will use the legal definition of preponderance of evidence standard to determine whether sexual harassment or sex discrimination under Title IX has occurred.

The District shall annually review Title IX complaints for the purpose of identifying potential patterns at a particular school(s) or population.

The District will take reasonably calculated steps to end discrimination that has been found; prevent reoccurrence of any discrimination, such as harassment; and correct its discriminatory effects on the complainant and others, if appropriate.

Both the complainant and accused have a right to access the appeals process.

Title IX protects complainants and others involved from retaliation for reporting allegations of sexual harassment, and/or participating in an investigation of sexual harassment. District officials will take steps to address and prevent retaliation; additionally the district will randomly check with/monitor complainants for additional complaints or incidents of retaliation.

Procedures:

Level 1: Principal or Immediate Supervisor

Employees or students claiming sexual harassment or other sex discrimination may first discuss the grievance with their principal or immediate supervisor, with the object of resolving the matter informally. A student, parent, employee or third party individual with a sex discrimination/harassment complaint may discuss it with the teacher, counselor, or building administrator involved.

Level 1 of the grievance procedure is normally informal and optional and may be bypassed by the complainant.

Complainants choosing to begin at Level 1 can end the informal process at any time and begin a formal process (Level 2).

Level 1 is not an option in cases of sexual violence. Sexual violence cases must be handled as Level 2.

Level 2: Principal or Immediate Supervisor

If the grievance is not resolved at Level 1 with the Principal or Designee and the complainant wishes to pursue the grievance, or if Level 1 is not appropriate for resolving the grievance, the grievance may be formalized by filing a written complaint, providing an interview, or an assisted written complaint when necessary. The Principal or Designee will seek a list of witnesses or evidence from the complainant, the accused and others as relevant as part of the investigation. The Principal will conduct a formal investigation under the direct supervision of the District's Title IX Coordinator, Ms. Toreacher Dobson. The complaint shall state the nature of the grievance and the remedy requested.

The filing of the formal, written complaint at Level 2 must be within six months from the day of the event giving rise to the grievance or from the date the complainant could reasonably become aware of such an occurrence. The complainant may request that a meeting concerning the complaint be held with the Title IX Coordinator. A minor student may be accompanied at that meeting by a parent or guardian. A written report from the Principal to the complainant and accused regarding action taken will be sent within thirty (30) working days after receipt of the complaint.

Investigating the Complaint

- The Principal or Designee will conduct a prompt investigation of the complaint and complete the investigation in a timely manner. The building Principal or Designee will inform and consult with the District's Title IX Coordinator prior, during and after the investigative process. The Principal will document the investigative activities (e.g. takes notes of interviews conducted). The time to complete the investigation will vary depending on the nature and complexity of the issue but generally will not take more than thirty (30) working days after receipt of the complaint.
- The investigation may include interviews of the complainant, the individual(s) accused of engaging in discriminatory or harassing behavior, and any other witness who may reasonably be expected to have relevant information. All interviewed parties and witnesses will be provided an opportunity to present any evidence they reasonably believe could be relevant to the situation.

- Hampton School District One will respect the privacy of the complainant, the individual(s) against whom the complaint is made, and the witnesses to the extent possible consistent with Hampton School District One's legal obligations to investigate and take appropriate action and to comply with discovery and disclosure obligations. All records generated in connection with the investigation will be maintained as confidential to the extent permitted by law.
- If a complaint is made about any of the persons having responsibility for the implementation and enforcement of the policy forbidding sex discrimination and harassment, the Title IX Coordinator or Superintendent will appoint an independent person to assume those responsibilities.
- At the conclusion of the investigation, the building Principal or Designee will obtain a signature from the Title IX Coordinator indicating proper oversight of the investigation. In addition to providing a written report to the complainant and accused regarding action taken within thirty (30) working days after receipt of the complaint, as described above, the Principal or Designee will also prepare a written report to deliver to the Superintendent summarizing the evidence gathered during the investigation, providing a determination whether or to what extent the complaint has been substantiated, and recommending the corrective action if appropriate. The corrective action should be designed to stop the harassment/discrimination, prevent it from recurring, and remedy its effects, including services to the victim(s), if appropriate.

Level 3: Superintendent

If the complaint is not resolved at Level 2, the complainant or accused may proceed to Level 3 by presenting a written appeal to the Superintendent within ten (10) working days after the complainant receives the report from the Principal or Designee. The complainant or accused may request a meeting with the Superintendent or his/her designee. The Superintendent or his/her designee has the option of meeting with the complainant or accused to discuss the appeal. A written decision will be rendered by the Superintendent or his/her designee within fifteen (15) working days after receiving the written appeal.

NOTE: The procedure in no way denies the right of the complainant or accused to file a formal complaint at any time with the United States Department of Education's Office for Civil Rights, or other agencies available for mediation or recertification of grievances, or to seek private counsel for complaints alleging discrimination.

DEFINITIONS

Sexual harassment: Sexual Harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX. When a student sexually harasses another student,

the harassing conduct creates a hostile environment if the conduct is sufficiently severe and it interferes with or limits a student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment. Title IX protects students from sexual harassment in a school's education programs and activities. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, or on a school bus, at a class or training program.

Examples of Sexual Harassment:

- Sharing sexually inappropriate images or videos, such as pornography
- Sending suggestive letters, notes, or e-mails
- Displaying inappropriate sexual images or posters in the workplace
- Telling lewd jokes, or sharing sexual anecdotes
- Making inappropriate sexual gestures
- Staring in a sexually suggestive or offensive manner, or whistling
- Making sexual comments about appearance, clothing, or body parts
- Inappropriate touching, including pinching, patting, rubbing, or purposefully brushing up against another person
- Asking sexual questions, such as questions about someone's sexual history or their sexual orientation
- Making offensive comments about someone's sexual orientation or gender identity
- Repeatedly asking a person out for dates, or to have sex

Sexual Assault: A particular type of sexual harassment that includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

Preponderance of Evidence: The weight of the evidence shows it is more likely than not that discrimination occurred.

Grievance: An issue that a student, parent, third party or employee believes is a violation of civil rights under the Title IX law.

Student: Any person enrolled as a student in any school and/or educational or recreational program authorized by the school District.

Third Party Individual: A person who accesses a program or a facility within the District.

Employee: A person employed by Hampton School District One, including by contracted services or a contracted volunteer.

Title IX Coordinator: The person(s) designated by the school district to coordinate efforts to comply with Title IX.

Superintendent: The chief executive officer of the school district.

Recordkeeping

All Title IX, sexual harassment, and bullying complaints are to be documented on the appropriate form within 24 hours after the complaint or allegation is made. When possible the appropriate form should be completed at time the complaint/allegation is reported.

When a complaint or information alleging a possible violation is received, a record must be created at the site where the complaint or alleged violation is reported. Records maintained at individual work stations should be identified in the recordkeeping system, so that it can be easily located once a record is created on the appropriate report form:

- a copy of the completed form is given to the complainant
- An electronic copy will be created and placed in an appropriately labeled folder and the hard copy will be placed in the appropriate folder in the file cabinet.
- A copy of the electronic record will be e-mailed to the District Title IX Coordinator or shared using a secured file sharing system. The District Title IX Coordinator, in addition to saving the electronic file, will place a hard copy in a file cabinet at his/her central location.
- All open/pending complaints are to be reviewed daily until a reasonable and equitable resolution can be reached.

The district office must know the file plan for each school or office site in the district, which would include such information as:

- Person and office where the responsibility rest for maintaining the records of all Title IX complaints - opening/pending and resolved complaints.
- Location of records
- File title
- Storage method (e.g. paper, electronic, video, etc.)
- Access restrictions (locked file cabinet, password/encrypted, etc.)
- Date range of the records, and
- Disposition dates

HAMPTON SCHOOL DISTRICT ONE

BULLYING, CYBERBULLYING, HARASSMENT AND RETALIATION INCIDENT REPORT

INCIDENT REPORT:

1. Name of Person Filing the Incident Report: _____

(Note: Reports may be made anonymously, but no disciplinary action will be taken against an alleged aggressor solely on the basis of an anonymous report. The district will, however, take action based on an anonymous report to insure a safe environment for students or otherwise address the effects of the reported behavior to the best of its ability).

2. Check whether you are the: Target of the behavior Reporter (not the target) Witness

3. Check whether you are a: Student Staff member (specify role) _____
 Parent Administrator Other (specify): _____

Your contact information/telephone number: _____

4. If student, state your school: _____ Grade: _____

5. If staff member, state your school or work site: _____

6. Information about the incident:

Name of Target(s): _____

Name of Aggressor(s): _____

Date(s) of Incident(s): _____

Time When Incident(s) Occurred: _____

Location of Incident(s) (Be as specific as possible): _____

If Cyberbullying, what is the point of origin: _____

7. Witnesses (List people who saw the incident or have information about it. If more space needed, use back of form):

Name: _____ Student Staff Other _____

Name: _____ Student Staff Other _____

Name: _____ Student Staff Other _____

8. Describe the details of the incident (including names of people involved, what occurred, and what each person did and said, including specific words used). Please use additional space on back if necessary.

9. Signature of Person Filing this Report: _____ Date: _____

(Note: Reports may be filed anonymously).

10. Form Given to: _____ Position: _____ Date: _____

Signature: _____ Date Received: _____

CONCLUSIONS FROM THE INVESTIGATION:

1. Findings of policy violation. YES Date: _____ NO

If yes, please check one or more of the following below:

Bullying Harassment (Identify “target group”) _____

Cyberbullying Sexual Harassment Retaliation

2. **Contacts:**

Report of the findings has been given to the administrator and the investigator. Using FERPA restrictions, findings are mailed to the parent(s)/guardians(s) of the alleged aggressor and alleged target within 10 school days of the completion of the investigation. Verbal report must be followed by written notice.

Mailed to:

Target’s parent/guardian Date: _____ Name: _____

Aggressor(s) parent /guardian Date: _____ Name: _____

Law Enforcement (if applicable) Date: _____ Name: _____

3. **Action(s) Taken:**

Loss of Privileges Detention Positive Behavioral Intervention Education

Out of School Suspension In School Suspension Community Service

Other: _____

4. **Describe Safety Planning:** _____

Follow-up with Target: Scheduled for _____ Initial and date when completed _____

Follow-up with Aggressor: Scheduled for _____ Initial and date when completed _____

Report forwarded to Superintendent (if investigation confirmed violation): Date: _____

Signature: _____ **Title:** _____

Date: _____