

**BOARD AGENDA ITEM**  
**November 15, 2016**

**SUBJECT:**

Policy Changes Related to Reorganization

**BACKGROUND:**

Beginning in fall 2015 the district has undergone a realignment of its organizational structure. Many current policies and administrative rules make reference to positions and titles that no longer exist.

**ADMINISTRATIVE CONSIDERATION:**

Due to the district's administrative reorganization, numerous policies and administrative rules have been identified that need to have references to academic officers, director of administrative services, associate superintendents, comptroller, and deputy superintendent stricken and to have inserted the appropriate position or title. No substantive changes are being made to the policies.

**RECOMMENDATION:**

Adopt the proposed policy on final reading

**ATTACHMENT:**

Policy KE Public Concerns and complaints  
Policy DJGA Sales Calls and Demonstrations  
Policy ECAC Vandalism  
Policy KHE Political Solicitations in Schools  
Policy JICEA School-Related Student Publications  
Administrative Rule JI-R Student Rights and Responsibilities (Complaints and Grievances)

**PREPARED BY:**

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## PUBLIC CONCERNS AND COMPLAINTS

Code **KE** Issued **11/16**

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Purpose: To establish the board's vision for receiving and handling complaints by members of the public.

Matters of local (within an administrative area) concern, excluding any personnel issues, are typically presented by the patrons within such area to their area advisory council through their designated administrator. Appeals may be made to the county board.

Complaints coming directly to one or more board members against any action of any employee of the district or against any administrative rule or board policy, which in the judgment of the board members hearing the complaint requires investigation or action, will be referred to the superintendent for investigation, appropriate action or recommendations as the situation might justify.

If the matter cannot be resolved satisfactorily by the superintendent, the complainant will register the complaint in writing with the chairman of the board, setting forth the facts on which the complaint is based.

The board, at its next regular meeting or at a special meeting, will then consider the grievance of the complainant and dispose of the matter according to its best judgment.

Adopted 5/86; Revised 2/26/02, 2/7/12

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### Legal references:

- A. S.C. Acts and Joint Resolutions:
  - 1. 1982, Act 503 – Local enabling act for the Consolidated School District of Aiken County.

## **SALES CALLS AND DEMONSTRATIONS**

*Code* **DJGA** *Issued* **11/16**

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Purpose: To establish the basic structure for sales calls on district staff.

The board does not permit salesmen to visit in the schools or on work sites without approval of the chief officer of administration and the building principal.

Permission may be given to sales representatives of educational products to see members of the school staff at times that will not interfere with the educational program.

Representatives seeking to contact individual employees about personal benefits are to do so beyond the employee's scheduled work hours and off the school grounds.

Adopted 6/10/75; Revised 5/24/94, 10/9/01

## VANDALISM

Code **ECAC** Issued **11/16**

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Purpose: To establish the basic structure for dealing with vandalism to district property.

The school district's buildings and grounds are built and maintained with taxes. All damages must be paid for in the same way. The board urges every citizen of the district to cooperate in reporting any incidents of vandalism to district property and the name of the person(s) believed to be responsible.

The administration will take all necessary steps and seek the cooperation and action of law enforcement authorities to protect school property from theft and vandalism.

The principal will report damage of any nature to school property, whether willful or otherwise, to the appropriate executive director. The principal will also report break-ins to the superintendent and will report all suspected incidences of theft and vandalism to appropriate law enforcement authorities. Each employee of the district will report to the principal of the school every incident of vandalism known to the employee and, if known, the names of those responsible.

Any student of the district who enters or comes upon school grounds any time of the day or night and does damage to anyone's personal property on school grounds or property belonging to the school will be trespassing and subject to disciplinary action. The student(s) and parents will be responsible for the damage and may be required to pay for repairs and or replacement of the damaged property.

The board may enter into a contract with individuals or agencies to place mobile homes on school premises as a deterrent to vandalism and trespassing. The superintendent, the area advisory council and the district maintenance department must approve the location of the mobile home. (A copy of the contract for placing mobile homes on school premises is on file in area and district offices.)

Adopted 10/23/01; Revised 2/7/12

## POLITICAL SOLICITATIONS IN SCHOOLS

Code **KHE** Issued **11/16**

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**Purpose:** To establish the basic structure for all political solicitations, including board elections, as they relate to the school district.

School personnel and students are not to participate in out-of-school political campaign activities on school property during school hours and at official school functions. Campaign materials are not to be distributed within the school or in school buses, or on school property, by students, teachers or others, nor will campaign posters be displayed at or within the school or on other school property. No campaign literature is to be distributed through courier service or to be placed in staff mailboxes. School referendum issues are excluded.

School equipment is not to be used to aid any candidate by printing material, making videos or any other item that is political in nature or will serve to aide a political candidate's campaign.

Current campaign materials that a teacher would use as part of the instructional program, e.g., a teacher of civics, history or government, would be permitted at his/her discretion provided that such teacher does not advocate one candidate or one party.

Teachers or principals may invite candidates to visit classes or assemblies if equal opportunity is afforded all candidates for a particular position. Teachers must secure approval of their principals prior to inviting candidates to the school, and the invitation must meet an instructional objective of the teacher.

Informal visitations to the schools by candidates are not permitted.

Advertisements, including those of a political nature, may be accepted for school publications where paid advertisement is solicited from the public. A local decision will be made by the sponsoring organization, school principal and appropriate executive director as to the appropriateness of the content of all advertisements appearing in school publications. Disagreements regarding appropriateness of content will be referred to the local area advisory council for a decision.

When a school is used as an official poll station, the rules and regulations of the election commission will prevail.

Adopted 7/26/76; Revised 9/9/86, 2/12/91, 2/26/02, 2/7/12

## **SCHOOL-RELATED STUDENT PUBLICATIONS**

*Code* **JICEA** *Issued* **11/16**

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**Purpose:** To establish the basic structure for student publications.

The board sanctions student publications as long as students are willing to accept the responsibilities of the freedoms of speech and of the press. The board or its designee will make rules as to time and place for distribution of such publications and any other regulations necessary to assure that student publications do not infringe on the rights of others.

The designated sponsor(s) of any officially recognized school-sanctioned and school-financed publication (e.g., newspaper, yearbook, literary magazine, et al.) will assume the initial responsibility of screening and editing all materials earmarked for publication. Although journalism students should be given meaningful editorial latitude, the sponsor(s) retains the inherent obligation to delete any article or comment likely to create substantial disruption of, or significant interference with, school activities.

Any student objecting to a sponsor's exercise of discretion in this regard should bring the objection to the attention of the sponsor in writing. The school principal will hold a conference to discuss the complaints with the complainant(s), the sponsor and the principal. It is the principal's responsibility to decide the matter in close consultation with the appropriate executive director, the district superintendent and legal counsel.

Adopted 6/10/75; Revised 4/23/02, 2/7/12

## STUDENT RIGHTS AND RESPONSIBILITIES (COMPLAINTS AND GRIEVANCES)

Code **JI-R** Issued **11/16**

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### Resolution of student discrimination complaints

#### *Discrimination*

Students who believe that they have been discriminated against on the basis of race, religious creed, color, national origin, ancestry or sex (including Title IX complaints) have the right to appeal to their principals. If the student is not satisfied with the decision of the principal, he/she may appeal to the appropriate executive director. Thereafter, an appeal may come to the chief officer of administration (serving as the district's civil rights coordinator). Appeals from this level will be to the district superintendent and then to the board of education.

#### *Section 504 complaints*

Students who believe that they have been discriminated against on the basis of a disability or handicapping condition have the right to appeal to their principals. If the student is not satisfied with the decision of the principal, he/she may appeal to the appropriate executive director. Thereafter, an appeal may come to the district's Section 504 coordinator. Appeals from this level will be to the district superintendent and then to the board of education.

#### *Sexual harassment complaints*

Students who believe that they are the victims of sexual harassment will follow the procedures set forth in this administrative rule.

### Procedures

Generally, complaints of alleged discrimination as set forth in board policy will be limited to alleged occurrences or omissions happening within 60 days prior to the initiation of such complaint. However, upon request by the complainant, the administration can waive such limitation if the complainant can show that the information he/she seeks to include in the record is reasonably related to the subject of the complaint.

Any complaint intended to be filed pursuant to this procedure (formal complaint) will be in writing to the principal.

The principal will, within five working days, exclusive of the day of receiving the complaint, conduct an appropriate investigation and/or hold a conference, with the complainant and other appropriate involved parties.

Within five working days after the investigation (or conference), the principal will notify the complainant in writing of his/her findings and action taken (where necessary).

A complainant may appeal in writing within 10 days of the date of the principal's written decision to the next level (by personal delivery, fax delivery or postmarked mail). Failing to appeal within such time constitutes waiver of further appeal rights.

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Procedures for appeals made on a timely basis will be subject to the same time guidelines as proceedings at the level of the school principal. For appeals beyond the level of the civil rights coordinator or Section 504 coordinator, the complainant has no automatic right to a conference and such appeal will be based on written materials only (unless the superintendent and/or board grants a discretionary conference).

The principal may initially assign complaints involving Section 504 concerns to the designated building-level Section 504 coordinator, but this will not alter the time constraints for handling the complaint.

### **Sexual harassment**

The Aiken County Board of Education recognizes that in order to maintain an environment in which the dignity and worth of all students of the district are respected, sexual harassment must be prohibited. The board has adopted policy to provide direction to this process. The following procedures have been developed and approved by the board of education to implement the policy.

#### *Definition*

Sexual harassment is defined in policy JI.

#### *Examples of prohibited behavior*

Prohibited acts of sexual harassment may take a variety of forms ranging from subtle pressure for sexual activity to physical assault. Examples of the kinds of conduct included in the definition of sexual harassment include, but are not limited to, the following.

- Threats or intimidation of sexual relations or sexual contact which is not freely or mutually agreeable to both parties.
- Continual or repeated verbal abuses including graphic commentaries, innuendoes, comments, jokes or propositions of a sexual nature; unwelcome touching or interference with movement; the visual display of derogatory cartoons, drawings or posters; or suggestive or insulting sounds, leering, whistling or obscene gestures.
- Threats or insinuations that the student's educational opportunities, grades, assignments or other educational conditions may be adversely affected by not submitting to sexual advances.

#### *Complaint procedures*

An aggrieved student is encouraged to inform the person engaging in sexually harassing conduct that such conduct is offensive and must stop. If the aggrieved student is not comfortable with direct communication, or if direct communication is unsuccessful, the aggrieved student should discuss the matter with a parent, teacher, counselor, or any other adult with whom he/she feels comfortable, and/or should initiate the complaint procedures described below.

#### Informal consultation

The purpose of informal consultation is to clarify what constitutes sexual harassment, to provide guidance and information on administrative procedures, and to resolve inadvertent cases of harassment. A request for informal consultation should be directed to either the student's



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principal, the appropriate executive director, or one of the district's sexual harassment consultants, appointed by the superintendent. The names of the sexual harassment consultants will be available at each school and will be posted in the district human resources office. The individual who receives the request for informal consultation must inform the complainant about the options available under the policy. Anyone else receiving a complaint should encourage the complainant(s) to request an informal consultation or should notify one of the designated individuals directly.

Contact with any of the designated individuals may conclude in one or more of the following options.

- Complainant decides that no sexual harassment has occurred. In this case, no further action will be taken, and the consultation will remain entirely confidential.
- Complainant decides that sexual harassment has occurred and one of the following happens.
  - Where the accused is a student, agrees to have the accused's principal investigate the matter and take disciplinary action, as warranted, pursuant to the student discipline code.
  - Where the accused is an employee, requests that an informal resolution be pursued.

In either case, the complainant must be advised that, depending upon the circumstances of the complaint, it may be impossible to protect the complainant's identity from the accused.

- Complainant decides that sexual harassment has occurred and chooses to file a formal complaint for investigation. Documentation that the informal consultation has taken place should be kept and should include a written statement from the complainant and/or notes taken by the consultant. If such notes are kept, the complainant should be so advised and the notes should be reviewed by the complainant for accuracy. If the name of an accused is revealed during the informal consultation, the accused should be advised of the allegations.

### *Formal complaint*

#### Filing a complaint

After completing the informal consultation step, a complainant and/or the complainant's parent who wishes to file a formal complaint for investigation and possible action should do so with the individual who conducted the informal consultation. The consultant will complete a sexual harassment complaint form and refer the matter to the chief officer of administration who will conduct an investigation. Once a formal complaint has been filed, it must proceed through all the steps in this administrative rule.

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### **Investigation**

The purpose of the investigation is to establish whether there is a reasonable basis for believing that the alleged violation of this policy has occurred. In conducting the investigation, the chief officer of administration will interview the complainant and the accused, and will normally interview other persons believed to have pertinent factual knowledge. While it may be necessary at times to reveal the name of the accused or the complainants, confidentiality will be maintained by all persons involved. Failure to maintain the confidentiality of the investigation could result in disciplinary action. The investigation will afford the accused a full opportunity to respond to the allegations. Within a reasonable period of time (normally 40 calendar days from the time the complaint was filed), the investigator will provide the complainant's parent and the accused, or the accused's parent if the accused is a student, with written notification that the investigation has been completed, that a written report has been sent to the accused's principal or immediate supervisor, and that they will be notified as to what further action, if any, will be taken.

### **Process of formal action**

After receiving a written report of the findings of the investigation from the chief officer of administration, the principal or immediate supervisor will initiate a consultation with the chief officer of administration. Based upon the report and the consultation, the principal or supervisor will decide upon one of three possible courses of action.

- judgment that the allegations are not warranted
- informal resolution as agreed upon by the parties
- corrective and disciplinary action as described below

### **Protection of complainant, witnesses and others**

At the time that the formal complaint is filed, the complainant and/or the complainant's parent will be informed fully by the individual who conducted the informal consultation and/or the chief officer of administration, of steps which the investigation will follow, including the projected timetable for completion of the process.

All reasonable action will be taken to assure that the complainant and those testifying on behalf of the complainant, or supporting the complainant in other ways, will suffer no retaliation as a result of their activities in regard to the process. Steps to avoid retaliation may include the following.

- transfers of one or more of the parties to another class or setting
- arrangements that educational evaluations or decisions concerning the complainant and the student witnesses, or employment evaluations of employee witnesses, be made by an appropriate individual other than the accused

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In cases where the accused is an employee and if in the judgment of the superintendent it is in the best interest of the district, the accused may be relieved of his/her duties during the investigation.

### Protection of the accused

At the time the investigation commences, the accused, and the accused's parents if the accused is a student, will be informed in writing of the allegations, the identity of the complainant, and the facts surrounding the allegations.

In the event the allegations are not substantiated, all reasonable steps will be taken to so advise those involved in the investigation who had knowledge of the allegations and to generally restore the reputation of the accused if damaged by the proceeding.

A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously is subject to disciplinary action, pursuant to the student discipline code.

### *Disciplinary action*

Any employee or student who is found to have engaged in sexual harassment of a student, and the student's parent if the accused is a student, will be notified of the outcome of the investigation and will be subject to appropriate disciplinary action, which may include, but is not limited to, oral or written warnings, demotion, transfer, dismissal, suspension or expulsion.

### *Remedial action*

The complainant's parent will be notified of the outcome of the investigation. If applicable, the complainant's parent will also be notified of the specific remedy available and the general category of disciplinary action taken against the accused. Every reasonable effort will be made to insure that the complainant is free from any further harassment. The individual who conducted the informal consultation will be responsible for counseling the complainant to insure that he/she is comfortable with the resolution and for following up with the complainant at least once within three months of the resolution to insure that the complainant has not been subjected to any further harassment.

### **Education of the school district community**

Following the adoption of policy, the policy will be referenced in the student handbook and a copy of the policy and this administrative rule will be available in each school media center and each area and district office. Principals and supervisors will also conduct a review of the policy and this administrative rule for all students and staff members to provide orientation on the nature of sexual harassment; how to identify it and the appropriate actions to follow should they encounter sexual harassment. With regard to students, such review and orientation will take into consideration and be appropriate to the age of the students.

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Principals and supervisors will provide an appropriate orientation for new students and employees near the beginning of their association with the district.

Near the beginning of each subsequent school year, principals and supervisors will provide for their students and staff a review of the policy and administrative rule.

Issued 3/9/99; Revised 4/23/02, 2/7/12