



DISCRIMINATION COMPLAINTS PROCEDURE (HUM-P010)

Clarksville-Montgomery County School System

1.0 SCOPE:

- 1.0 This procedure outlines the process for filing allegations of discrimination on the basis of sex, marital status, race, color, creed, national origin, religion, age, sexual orientation, gender identity¹, disability condition, or veteran status, against the Clarksville-Montgomery County School System or any person or program under its jurisdiction (Title VI and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendments Act of 1972, Age Discrimination Employment Act of 1967, Age Discrimination Act of 1975, and Americans with Disabilities Act of 1990, Pregnant Workers Fairness Act, Tennessee Pregnant Workers Fairness Act, Tennessee Human Rights Act,). This procedure is designed to provide a systematic, local protocol for the resolution of complaints and does not prevent or deny the complainant the right to pursue other avenues of recourse with appropriate governmental agencies or to seek redress under state or federal laws. This procedure applies to complaints of discrimination by any person (student, employee, or third party in the school environment) who is alleging discrimination as defined herein.

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

2.0 RESPONSIBILITY:

- 2.0 Chief Human Resources Officer
- 2.1 General Counsel

3.0 APPROVAL AUTHORITY:

- 3.0 Chief Human Resources Officer

4.0 DEFINITIONS:

- 4.0 Title VI Coordinator: Chief Human Resources Officer/Designee, 621 Gracey Ave., Clarksville, TN 37040
- 4.1 Title IX Coordinator (District): Chief of Staff/Designee, 621 Gracey Ave., Clarksville, TN 37040. Each school has a designated Title IX Coordinator who can be contacted directly at the school. For Title IX concerns related to employees the Chief Human Resources Officer is the contact.
- 4.2 Discrimination: Discrimination is defined as unlawful treatment of an individual on the basis of any legally protected classification such as sex, race, color, creed, religion, sexual orientation, gender identity, national origin, age, disability condition, marital status, genetic information, or veteran status. Depending upon the specific circumstances, discrimination may be based upon differential treatment, disparate treatment, retaliation, or harassment. Conduct or communication may be discriminatory if it: (a) substantially or unreasonably interferes with a person's work performance or education, (b) creates an intimidating, hostile or offensive employment or educational environment, (c) implies that a submission

¹ Sex discrimination in the employment context includes discrimination based upon gender identity. *Bostock v. Clayton County*, 590 U.S. 644 (2020),



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to such conduct is made an explicit or implicit term of employment or education, or (d) implies that submission to or rejection of such conduct will be used as a basis for an employment or educational decision affecting the harassed person. Harassment is a form of discrimination. Harassment may include conduct or communication that denigrates or shows hostility or aversion toward an individual because of his or her race, color, creed, religion, sex, sexual orientation, gender identity, national origin, age, disability condition, marital status, genetic information, or any other characteristic protected by law and creates a hostile environment. Student sexual or sex-based harassment is governed by ([STS-A007](#)) and ([STS-P012](#)). Employee/Third Party, sexual or sex-based harassment is governed by ([HUM-A047](#)) and ([HUM-P019](#)).

- 4.3 If allegations of discrimination are based upon antisemitism, the District's investigator will take into consideration the working definition of antisemitism adopted by the International Holocaust Remembrance Alliance (IHRA) on May 26, 2016, including the "contemporary examples of antisemitism" in determining whether the alleged act was motivated by anti-Semitic intent as required by T.C.A. §49-6-312, T.C.A. §49-7-181, and T.C.A. §§ 49-50-1801, *et. seq.*

5.0 PROCEDURE:

- 5.1 Any person alleging discrimination as defined in 1.0 (Scope) files such a complaint at the lowest applicable administrative level within 180 days of the alleged discrimination. The Discrimination Complaint Forms ([HUM-F028](#)) (employee) or ([HUM-F095](#)) (student) are available on the Clarksville-Montgomery County School System website. Allegations or complaints regarding sexual harassment related to an employee, volunteer, third party in a school/district environment are processed pursuant to the Sexual Harassment policy ([HUM-A047](#)) and related procedures. Allegations or complaints regarding sexual or sex-based harassment related to a student are processed pursuant to ([STS-A007](#)) and related procedure.
- 5.1.1 Complaints against students are filed with the school principal.
- 5.1.2 Complaints against school staff, including teachers, substitute teachers, assistant principals, educational assistants, cafeteria workers, bus drivers, custodians, outside contractors, or school volunteers, are filed with the building principal or Title VI Coordinator/designee.
- 5.1.3 Complaints against building principals, supervisors, central office staff, or third party vendors/contractors in the school or workplace environment are filed with the Title VI Coordinator or designee. If the complaint is against the Title VI Coordinator, complaints shall be filed directly with the Director of Schools.
- 5.1.4 Complaints against the Director of Schools or Clarksville-Montgomery County Board of Education are filed directly with the Title VI Coordinator or designee.
- 5.2 All complaints submitted, either written or verbal, are investigated by the person receiving the complaint the Title VI Coordinator or designee. All complaints are documented as to the nature of the complaint, the investigation conducted, and resolution.



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- 5.2.1 Complainants are requested to submit their complaints in writing; however, in the event the complainant cannot or will not submit a written complaint, the complainant may make a verbal complaint and the person receiving the complaint will document the nature of the complaint on the Discrimination Complaint Form ([HUM-F028](#)) (employee) or ([HUM-F095](#)) (student). The completion of a complaint form by the complainant is not required for acceptance of a complaint.
- 5.2.2 If the complaint form is not completed, the person taking the complaint documents the following information:
 - 5.2.2.1 Name, address, and telephone number of complainant,
 - 5.2.2.2 The location and name of the school and entity delivering the service,
 - 5.2.2.3 The nature of the incident that led the complainant to feel discrimination was a factor,
 - 5.2.2.4 Names, addresses and phone numbers of people who may have knowledge of the event, and
 - 5.2.2.5 The date or dates on which the alleged discriminatory event or events occurred.
- 5.2.3 A copy of the complaint is provided to the complainant.
- 5.2.4 The person against whom the complaint is submitted is provided timely notice of the complaint as well as a copy of the complaint.
- 5.3 The person receiving the complaint immediately forwards complaint to the Title VI Coordinator if allegations involve an employee, volunteer, or outside contractor. (Note: if the complaint is regarding sex-based harassment of a student the person receiving the complaint immediately forwards to the respective Title IX Coordinator.)
- 5.4 The investigation is completed and the person conducting the investigation provides written notice of findings to the parties (complainant and the person against whom the complaint is lodged) within thirty (30) business days, excluding weekends, CMCSS holidays, and breaks unless the need for more time is appropriately documented.
- 5.5 If the complainant or person against whom the complaint is lodged is an employee, volunteer, or outside contractor and he/she disagrees with the findings/resolution of the initial complaint, he/she notifies the Title VI Coordinator within ten (10) days of receiving the decision that he/she wishes to appeal.
 - 5.5.1 All original documentation regarding the complaint and including the complaint, investigation materials, and findings/resolution are forwarded to the Director of Schools within five (5) business days for his/her independent review and evaluation. The Director of Schools may seek additional information or clarification from person as he/she deems necessary to appropriately review the appealed matter.



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5.5.2 The Director of Schools reviews the documentation and materials and reports his/her findings or resolution to the complainant and to the Title VI Coordinator within ten (10) business days of his/her receipt of the documentation and materials.

5.6 Any disciplinary action against students related to discrimination complaints and investigations will be processed pursuant to the Student Code of Conduct ([STS-M001](#)).

6.0 ASSOCIATED DOCUMENTS:

6.0 Non-Discrimination Policy ([HUM-A084](#))

6.1 Employee Discrimination Complaint Form ([HUM-F028](#))

6.2 Student Discrimination Complaint Form ([HUM-F095](#))

7.0 RECORD RETENTION TABLE:

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
Discrimination Complaint Form	Human Resources Dept.	Indefinitely	N/A	Secured Building

8.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
2/13/04		Initial Release
3/03/04	A	Clarify 5.1, 5.2, 5.4, 5.5, 5.6.1, 5.6.2, add new 5.2.2, renumber and revise flowchart
6/29/09	B	Change title, update titles, add Title VI coordinator and hearing to 5.2
12/15/09	C	Changed "sexual preference" to "sexual orientation" in scope.
6/18/13	D	Removed Title VI and Other from procedure title; 5.1.1 Remove filed with teacher; 5.1.2 add or Title VI Coordinator; 5.3 add forwards complaint immediately to Title VI Coordinator; update flowchart and logo; change title of form HUM-F028 to Discrimination Complaint Form
4/16//15	E	Updated last sentence of 1.0, added 2.1, added last sentence to 5.1.3, clarified 5.2, 5.3 & 5.4, expanded details of 5.5.1 & 5.5.2.
10/1/15	F	Para 1, added religion, age, and veteran status. Updated responsibility, changed HR Director to HR General Counsel.
10/7/16	G	Added 4.1. Updated 5.1.3, 5.4, and 5.5.
4/25/17	H	6.0 Updated associated documents. HUM-F028, revised. HUM-F095, added.



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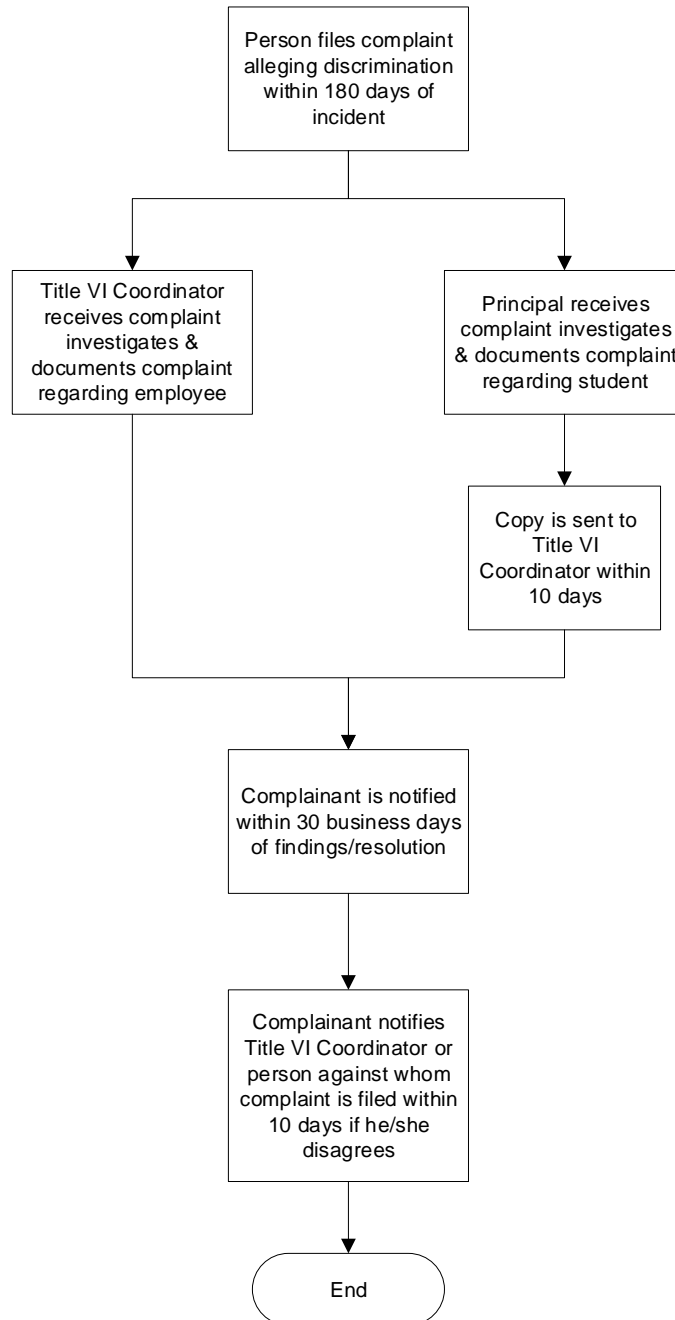
9/1/17	I	Updated flowchart.
6/6/18	J	Added reference to ADA in scope and associated documents.
5/14/19	K	2.1, updated job title to "General Counsel".
7/11/19	L	Added 4.1 and 5.6. Added references to HUM-F095 throughout procedure. Replaced SLT-A001 with HUM-A084.
7/2/20	M	Added "gender identity" to 1.0.
10/24/22	N	Added language reflecting the definition that shall be used when investigating discrimination claims that allege antisemitism.
7/3/24	O	Added Pregnant Workers Fairness Act, added designee & school coordinator, defined discrimination, updated sexual/sex-based harassment, and clarification on procedure.

9.0 FLOWCHART

9.1 A flowchart detailing this process can be found below.

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***** End of Procedure *****