



REPORTING ALLEGATIONS OF SEXUAL HARASSMENT PROCEDURE (HUM-P019)

Clarksville-Montgomery County School System

1.0 SCOPE:

- 1.1 This procedure outlines the process for Clarksville-Montgomery County School System (CMCSS) employees to report any suspicions/allegations of sexual harassment perpetrated on any employee or third party individual in a school setting by a student, employee or third party individual in a school setting.

2.0 RESPONSIBILITY:

- 2.1 All CMCSS Employees

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

3.0 APPROVAL AUTHORITY:

- 3.1 Chief Human Resources Officer
- 3.2 Legal Counsel- This procedure will be reviewed and approved by legal counsel every two (2) years or upon any changes to the procedure content. Approval signatures kept on file.

4.0 DEFINITIONS:

- 4.1 Sexual Harassment is defined as unwelcome or unsolicited conduct of a severe nature. It includes sexual advances, requests for sexual favors, sexually motivated physical conduct or other physical, verbal, non-verbal, physical conduct or communication of a sexual nature, occurring on school property or at a school-sponsored event when:
 - 4.1.1 Submission to or rejection of that conduct or communication by an individual is made a term or condition of or is used as a factor in decisions related to, either explicitly or implicitly, obtaining or retaining employment; or
 - 4.1.2 That conduct of communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment, or creating an intimidating, hostile, or offensive employment environment.

5.0 PROCEDURE:

- 5.1 Any person who believes he or she has been the victim of sexual harassment by a school employee, student or a third party in the school environment, or any person with knowledge or belief of conduct which may constitute sexual harassment should report the alleged acts immediately to either the School Building Administrator (Principal) or the Human Rights Officer. The Director of Schools has designated the Chief Human Resources Officer as the District's Human Rights Officer to receive reports or complaints of sexual harassment from any individual, employee or victim of sexual harassment and also from Principals. If the alleged harassment is against the Principal, the report should be made to the Chief Human Resources Officer. If the alleged harassment is against the Chief Human Resources Officer, the report should be made to the Director of Schools.
- 5.2 The Principal is responsible for receiving oral or written reports of sexual harassment at the building level. All forms related to the reporting and investigations of Sexual Harassment are available from the building principal or at <http://www.cmcoss.net> master document list.

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- 5.3 It is recommended that individuals filing a complaint of alleged sexual harassment complete [HUM-F036B](#), *Employee Sexual Harassment Report Form*. If the complainant does not complete this form, the Principal is encouraged to complete the form based on available information. Upon receipt of an oral or written report, the Principal will initiate an inquiry into the allegation to determine his or her next steps.
- 5.3.1 If the allegation is student to student sexual harassment a report of sexual harassment regarding a student will be reported immediately to the School Title IX Coordinator/Assistant Principal or his/her designee. (See [STS-P012](#) *Reporting Procedure for Students Subjected to Alleged Sexual Harassment* and [STS-F037](#) *Report of Student Sexual Harassment*.) If a formal complaint is made the assistant principal will conduct the investigation, documenting the investigation using the required documentation as outlined in STS-P012.
- 5.3.2 If the allegation involves either a district employee or a third-party individual in a school setting (i.e. volunteer, vendor, etc.) the Building Principal must immediately notify the Human Rights Officer who will appoint an investigating official to conduct the investigation. The official conducting the investigation will complete [HUM-F038](#), *Report of Investigation of Sexual Harassment Complaint by Employee* or the appropriate form or documentation as appropriate pursuant to STS-P012 and provide it to the Human Rights Officer within 30 business days of the initial allegation, excluding CMCSS holidays and breaks.
- 5.3.3 Failure to forward any sexual harassment report or complaints as provided herein may result in disciplinary action. Such report will not be made to the Director or Human Rights Officer if he or she is the subject of the investigation.
- 5.4 In determining whether alleged conduct constitutes sexual harassment, the investigating official should consider the surrounding circumstances, the nature of the sexual advances, relationships between the parties involved and the context in which the alleged incidents occurred. The investigation should consist of personal interviews with the complainant, the individual(s) against who the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and documents deemed pertinent by the investigation official.
- 5.5 The school system will respect the confidentiality of the complainant and the individuals against who the complaint is filed as much as possible consistent with the district's legal obligations and the necessity to investigate allegations of harassment and take disciplinary action when the conduct has occurred. In addition, the district may take immediate steps, at its discretion, to protect the complainant, students, and employees pending completion of an investigation of alleged sexual harassment.
- 5.6 Submission of a good faith complaint or report of sexual harassment will not affect the individual's further employment, grades or work assignments.
- 5.7 The District will discipline any individual who retaliates against any person who reports alleged sexual harassment or who retaliates against any person who testifies, assists or participates in an investigation, proceeding, or hearing relating to a sexual harassment complaint. Retaliation includes, but is not limited to, intimidation, reprisal or harassment.



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Accusations of sexual harassment can have a serious detrimental effect on innocent parties and may result in appropriate disciplinary action against individuals who, in bad faith or with negative motive, makes a complaint of sexual harassment, which is found to be false.

- 5.8 The district recognizes that not every advance or consent of a sexual nature constitutes sexual harassment. Whether a particular action or incident is a personal, social relationship without a discriminatory effect requires a determination based on all the facts and surrounding circumstances.

6.0 ASSOCIATED DOCUMENTS:

- 6.1 [HUM-A047](#) Sexual Harassment
- 6.2 [STS-A007](#) Sexual Harassment (Student)
- 6.3 [HUM-F036B](#) Employee Sexual Harassment Report Form
- 6.4 [HUM-F038](#) Report of Sexual Harassment Complaint by Employee
- 6.5 [STS-F037](#) Report of Student Sexual Harassment
- 6.6 [STS-P012](#) Reporting Procedure for Students Subjected to Alleged Sexual Harassment
- 6.7 [HUM-M001](#) Employee Handbook
- 6.8 [HUM-F114](#) HR Investigation Tips
- 6.9 Title VII of the Civil Rights Act of 1964

7.0 RECORD RETENTION TABLE:

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
Sexual Harassment Report Forms	On Site or Human Resources As Appropriate	Five Years	Shred	Locked offices/building in secured file/office
Sexual Harassment Investigation Reports	On Site or Human Resources As Appropriate	Two school years	Shred	Locked offices/building in secured file/office

8.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
07/21/08		Initial Release



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8/27/12	A	Added approval authority "This procedure will be reviewed and approved by legal counsel every two (2) years or upon any changes to the procedure content. Approval signatures kept on file."
10/9/13	B	Added information concerning student to student misconduct, HUM-P028 Allegations of Student to Student Sexual Misconduct and HUM-F076 Report of Middle or High School Student-to-Student Sexual Misconduct
6/27/16	C	1.1, removed "student". Updated definition of sexual harassment, 4.1-4.1.2.
4/25/17	D	Updated scope and definitions.
7/11/19	E	5.3.1: Added reference to HUM-F076, changed CHRO to Lead Counselors, changed CHRO to COS. 5.3.2, changed 10 working days to 30 business days, excluding CMCSS holidays and breaks. Updated associated documents.
1/14/21	F	Updates to 5.3.1. Changes throughout to reflect updated forms and other documents from change to student sexual harassment policies.
3/20/23	G	Updated verbiage to expand references beyond a specific form and to all required documentation outlined in STS-P012.

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