



Employee Reporting And References As Related To Sexual Misconduct (HUM-P041)

Clarksville-Montgomery County School System

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

1.0 SCOPE:

- 1.1 This procedure outlines the expectations for Clarksville Montgomery County School System (CMCSS or District) employees as it relates to responding to requests for professional references and requesting/providing copies of personnel files of persons for the purpose of determining if sexual misconduct concerning a minor or student has occurred.

2.0 RESPONSIBILITY:

- 2.1 Director of Schools
- 2.2 All CMCSS Officials, Administrators, and Supervisors
- 2.3 All CMCSS employees

3.0 APPROVAL AUTHORITY:

- 3.1 Director of Schools
- 3.2 Chief Human Resources Officer

4.0 DEFINITIONS:

- 4.1 Sexual misconduct includes, but is not limited to, sexual harassment, as set forth in HUM-A047, or sexual assault concerning a minor or student.

5.0 PROCEDURE:

- 5.1 CMCSS will not enter into, nor will it request another party to enter into, a non-disclosure agreement regarding any act of sexual misconduct, including, but not limited to sexual harassment or sexual assault.
- 5.2 Other than the routine transmission of administrative and personnel files, a CMCSS employee will not assist a District employee, contractor, or agent in obtaining a new job if the CMCSS employee knows or has probable cause to believe that the person seeking a job change engaged in sexual misconduct regarding a minor or student.
 - 5.2.1 This does not apply if the information giving rise to probable cause that sexual misconduct occurred has been reported to the appropriate law enforcement agency and the matter was closed officially in one of the following ways:
 - (i) The prosecutor or police investigated the allegations and notified school officials that there is insufficient information to establish probable cause;



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- (ii) The employee, contractor, or agent was charged and either acquitted or exonerated; or
- (iii) The case remains open, but there have been no charges or indictment filed within four years of the date the information was reported to the law enforcement agency.

5.3 If there is a reasonable belief that a person seeking employment with CMCSS may have engaged in sexual misconduct at a previous school district, a hiring principal/supervisor will contact the Chief Human Resources Officer or General Counsel.

5.3.1 Upon receiving such information from a hiring principal/supervisor, Human Resources personnel will request a copy of the personnel file regarding any such person seeking employment with CMCSS from another school district in which the person previously worked.

5.4 If a Tennessee school district, for the purpose of determining if sexual misconduct has occurred, requests a copy of the personnel file of a current or former CMCSS employee who is seeking employment with the other Tennessee school district, CMCSS will provide a copy or access to said personnel file to the requesting school district within ten (10) business days.

6.0 ASSOCIATED DOCUMENTS:

- 6.1 T.C.A. § 49-2-1
- 6.2 State of Tennessee Public Chapter No. 938, 2018
- 6.3 [HUM-A047](#) Sexual Harassment

7.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
6/21/18		Initial Release
4/16/21	A	Updated the General Counsel's title in 5.3

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