

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

ADMINISTRATIVE POLICY

SEXUAL HARASSMENT (STUDENT)

It is the policy of Clarksville-Montgomery County School System (District) to maintain a safe, civil, and supportive learning environment for its students. The District prohibits any and all forms of sexual harassment and discrimination on the basis of sex.

It shall be a violation of District policy for any student or employee of this District to harass or discriminate against a student through conduct of a sexual nature as defined by this policy. It shall also be a violation of District policy for any District employee to tolerate sexual harassment and discrimination as defined by this policy against a student by a student, employee, or third-party vendor or volunteer assisting, observing or otherwise engaging in sanctioned District activities subject to the control and supervision of the District or on District property.

The District will act promptly to investigate all reports of sexual harassment as defined herein, whether formal or informal, verbal or written; to take prompt, appropriate action to protect individuals who may have been sexually harassed; and if it determines that unlawful sexual harassment occurred, to discipline any student or employee who is found to have violated District policy promptly and appropriately and/or take other appropriate action reasonably calculated to end the sexual harassment. (Ref. [STS-P012](#) for the grievance procedure. While the District will respond to all reports of sexual harassment, the procedure set out in [STS-P012](#) is initiated only with the filing of a formal complaint.)

For purposes of this policy, sexual harassment is defined as conduct on the basis of sex occurring on District property or at a sanctioned District activity (whether on or off District property) subject to the control and supervision of the District and satisfying one or more of the following:

- i. A District employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;
- ii. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the education program or activity; or
- iii. Sexual assault as defined in 20 U.S.C. §1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. §12291(a)(10), domestic violence as defined in 34 U.S.C. §12291(a)(8), or stalking as defined in 34 U.S.C. §12291(a)(30).

Included in the above definition of sexual harassment is sexual violence and sexual misconduct. Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent, e.g. due to the person's age or intellectual or other disability prevents the student from having the capacity to give consent. Examples of sexual violence include rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual misconduct refers to the unwanted intentional touching of the genitals or intimate parts, including the breasts, genital areas, groin, inner thighs and buttocks, or the clothing covering them.

Examples of conduct which may constitute sexual harassment include, but are not limited to:

- a. Sexual advances;
- b. Harassing or sexually suggestive or offensive remarks, verbal or written;

- c. Unwelcome intentional touching, patting, grabbing, or pinching another person's intimate parts, whether that person is of the same sex or the opposite sex;
- d. Coercing, forcing or attempting to coerce or force the touching of anyone's intimate parts;
- e. Coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
- f. Sexual gestures;
- g. Sexual or dirty jokes or sexually suggestive pictures;
- h. Unwelcome sexually motivated or inappropriate touching;
- i. Unwelcome sexual behavior or words, including demands for sexual favors when accompanied by an implied or overt threat concerning any individual's employment or educational status or implied or overt promises of preferential treatment with regard to an individual's employment or educational status.

Sexual harassment may be directed against a particular person(s) whether of the opposite or same sex.

All employees will receive training on complying with this policy and federal law.

Submit inquiries or complaints associated with Title IX of the Education Amendments Act of 1972 to the District's Title IX Coordinator:

Chief of Staff or Designee
(931) 553-1147
(931) 920-7808
TitleIXappeals@cmcss.net

This policy will be disseminated annually to all school staff, students, parents/guardians.

This policy will be reviewed and approved by legal counsel every two (2) years or upon any changes to the policy content. Approval signatures kept on file.

Implementing Procedures:

[STS-P012](#) – Reporting Procedure for Students Being Subjected to Alleged Sexual Harassment

Associated Documents:

[HUM-A047](#) Sexual Harassment (employee)

[STS-F037](#) Student Sexual Harassment Report Form

[STS-F038](#) Investigative Report of Sexual Harassment Complaint (Student)

[STS-F039](#) Written Notice of Allegation to Parties

[STS-F040](#) Written Notice of Party Interview

[STS-F041](#) Written Consent to Informal Resolution Process

[STS-F042](#) Transmittal of Investigative Report

[STS-F043](#) Written Determination

[STS-F044](#) Acknowledgment of Appeal and Notice of Appeal Deadlines

[STS-F045](#) Written Appellate Decision

[STS-F046](#) Non-Disclosure Agreement

[HUM-M001](#) Employee Handbook

[STS-M001](#) Student Code of Conduct

Title VII of the Civil Rights Act of 1964

Title IX of the Educational Amendments of 1972