



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

1.0 SCOPE:

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

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

2.0 RESPONSIBILITY:

- 2.1 All CMCSS Employees and Students

3.0 APPROVAL AUTHORITY:

- 3.1 Chief of Staff/designee
- 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 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:
- 4.1.1 A District employee conditioning an aid, benefit, or service of an education program or activity on an individual's participation in unwelcome sexual conduct;
 - 4.1.2 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
 - 4.1.3 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).
 - 4.1.4 Included in the definition of sexual harassment is sexual violence which 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, and sexual coercion.
 - 4.1.5. Also included in the above definition of sexual harassment is student-to-student sexual misconduct between students which refers to the unwanted intentional touching of the genitals or intimate parts, including the breasts, genital area, groin, inner thighs, and buttocks, or the clothing covering them.



**REPORTING PROCEDURE FOR STUDENTS
SUBJECTED TO ALLEGED SEXUAL HARASSMENT
(STS-P012)**

Clarksville-Montgomery County School System

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; or
- i. unwelcome sexual behavior or words, including demands for sexual favors when accompanied by an implied or overt threats concerning any individual's educational status or implied or overt promises of preferential treatment with regard to an individual's educational status.

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

4.2 Complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. (This is not a third-party reporter.)

4.3 Respondent is an individual who is reported to be the perpetrator of conduct that could constitute sexual harassment.

4.4. Supportive measures are non-disciplinary, non-punitive, individualized services and must be offered to the complainant and respondent, as appropriate. These measures may include, but are not limited to, the following:

- a. counseling by a school staff member;
- b. course modifications, to include extensions of deadlines;
- c. schedule changes;
- d. increased monitoring or supervision;
- e. mutual restrictions on contact between the parties; or
- f. changes in classroom transition routes.

Such measures shall remain confidential to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures.

4.5 Days shall mean calendar days, but shall exclude weekends and weekdays on which District offices and/or schools are closed for holidays, breaks, inclement weather, etc.

4.6 Formal complaint is a document filed by a complainant or signed by the School Title IX Coordinator/Assistant Principal (as set forth in §5.3 herein) alleging sexual



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.

5.0 REPORTS OF SEXUAL HARASSMENT and FORMAL COMPLAINTS:

5.1 Report of Sexual Harassment. Any person with knowledge of conduct which may constitute sexual harassment against a student shall report the alleged acts immediately to the School Title IX Coordinator/Assistant Principal. While reporting to the School Title IX Coordinator/ Assistant Principal is encouraged, reports of sexual harassment may be made to any District official such as a teacher, counselor, assistant principal, principal, or student resource officer (SRO). Any District employee or SRO receiving a report of sexual harassment regarding a student shall report it immediately to the School Title IX Coordinator/Assistant Principal or his/her designee.

If the School Title IX Coordinator/Assistant Principal is the respondent, the report should be made directly to the Chief of Staff/designee via email or telephone; the Chief of Staff/designee will ensure the grievance process is followed. The Chief of Staff/designee is the designated **District** Title IX Coordinator. If the complaint involves the Chief of Staff/designee, the complaint shall be filed directly with the Director of Schools. The Chief of Staff/designee and/or Director of Schools may be reached at:

Chief of Staff/designee
CMCSS
621 Gracey Avenue
Clarksville, TN 37040
(931)-920-7808
christopher.causey@cmcoss.net

Director of Schools
CMCSS
621 Gracey Avenue
Clarksville, TN 37040
Direct No. (931)-920-7808
jean.luna-vedder@cmcoss.net

If a written report is made it will be forwarded simultaneously to the Chief of Staff/designee. If an oral report is made, the School Title IX Coordinator/Assistant Principal shall reduce it to a written form within 24 hours (excluding weekends and District holidays and closures) and forward to the Chief of Staff/designee. (Refer to [STS-F037](#)) This form is not sent to the parties or parents upon initial report.

5.1.1. A report of sexual harassment may be made at any time and made verbally (in person or by telephone) or in writing (by mail or email). The School Title IX Coordinator/Assistant Principal is the person responsible for receiving written or oral reports of sexual harassment of a student at the building level. Each Assistant Principal/School Title IX



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

Coordinator may be contacted at the address and/or telephone number listed on the District school directory as provided on the website or as indicated in the public record, i.e., telephone directory or directory assistance.

5.1.2. District employees are required to report conduct which may constitute sexual harassment of a student, and failure to do so will subject the employee to discipline up to and including dismissal.

5.2 District Response to Report of Sexual Harassment. The District will promptly respond when there is actual knowledge of alleged sexual harassment, even if a formal complaint has not been filed. The District will treat complainants and respondents equitably.

5.2.1 Supportive Measures. Upon learning of an instance of alleged sexual harassment, even if no formal complaint is filed, the School Title IX Coordinator/Assistant Principal will: (1) promptly contact the complainant to discuss the availability of supportive measures; (2) consider the complainant's wishes with respect to supportive measures; (3) inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and (4) explain the process for filing a formal complaint. If supportive measures are warranted, the School Title IX Coordinator/Assistant Principal will oversee their implementation.

5.2.2. Limitation on Disciplinary Actions. If a formal complaint is filed, disciplinary consequences will not be initiated against the respondent until the grievance process is completed. Unless there is an immediate threat to the physical health or safety of any student arising from the allegation of sexual harassment that justifies removal, the respondent's placement will not be changed.

If no formal complaint is filed by the complainant or School Title IX Coordinator no disciplinary action may be taken against the respondent based upon conduct that would constitute sexual harassment under the District's policy; however, if the conduct constitutes another type of violation of the Student Code of Conduct the District may administer discipline for that disciplinary infraction. Such a matter would be addressed by school administrators as any other possible violation of the Student Code of Conduct.

If a respondent is a District employee, he/she may be placed on administrative leave or suspension without pay consistent with T.C.A. §49-5-511(a)(3) during the pendency of the grievance/investigation process. The Chief Human Resources Officer (CHRO) must be advised of any employee respondents so that CHRO can make any necessary reports to the Tennessee Board of Education in compliance with state law, as well as to participate in the coordination and completion of the investigation.

5.2.3 Confidentiality. The District will respect the confidentiality of the complainant and respondent as much as possible; however, some information may need to be disclosed to appropriate individuals or authorities. All disclosures will be consistent with the District's legal obligations and the necessity to investigative allegations of harassment and take disciplinary action.



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

NOTE: If a report involves allegations of child abuse the appropriate and required notification shall be made per District policy and procedure regarding reporting child abuse. (Ref. [INS-A085](#) and [INS-P040](#))

5.3 Process for Filing Formal Complaint. The complainant may choose whether to file a formal complaint. If the complainant does not file a formal complaint, the School Title IX Coordinator/Assistant Principal may sign a formal complaint if in the exercise of good judgment and based upon the information received in the report of sexual harassment, it is believed to be appropriate to comply with the District's obligation not to be deliberately indifferent to known allegations of sexual harassment. [STS-F037](#) should be utilized to document the filing of a formal complaint and is located on the District website. The formal complaint may be filed in person, by mail, or by email.

Upon receipt of a formal complaint the School Title IX Coordinator must notify the Chief of Staff/designee immediately via email or telephone. If a written report is made it shall be forwarded simultaneously to the Chief of Staff/designee at TitleIXappeals@cmcsc.net. If an oral report is made, the School Title IX Coordinator shall reduce it to a written form within 24 hours (excluding weekends and District holidays and closures) and forward to the Chief of Staff/designee at TitleIXappeals@cmcsc.net.

5.3.1. Upon receipt of a formal complaint, the School Title IX Coordinator/Assistant Principal will within 1 day (excluding weekends and District holidays and closures):

- a. Provide written notice of the allegations potentially constituting sexual harassment and the grievance process to all known parties and their parents/guardians to give the respondent time to prepare a response before an initial interview. Best practice is to contact respondent/respondent's parent and share complainant identity as respondent has the right to know accuser's identity;
- b. Inform the parties that the respondent is presumed not responsible for the alleged conduct and that a determination for responsibility will be made at the conclusion of the grievance process;
- c. Inform the parties that they may have an advisor present during subsequent meetings;
- d. Inform the parties of the prohibition of making false statements or knowingly submitting false information;
- e. Inform the parties that they may inspect and review evidence gathered as part of the investigation; and
- f. Offer supportive measures in an equitable manner to both parties.

Ref. [STS-F039](#).

5.4 Investigations. An assistant principal will serve as the investigator and be responsible for investigating formal complaints in an equitable manner that involves an objective evaluation of all relevant evidence. (See [STS-G002](#)). For complaints of employee on student or employee on employee harassment that may violate Title IX, the CHRO also must be notified immediately and the CHRO/designee will investigate. (See 5.4.9 below.) The burden for obtaining evidence sufficient to reach a determination regarding responsibility rests on the District and not on the parties. If the allegations involve child



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

abuse of a severe physical or sexual nature or if an allegation is made against a District employee, [INS-P040](#), Reporting Suspected Child Abuse Procedure, should be followed.

- 5.4.1 Once a formal complaint is received, the investigator will initiate an investigation within 2 days of receipt of the complaint (excluding weekends and District holidays and closures). If an investigation is not initiated within 2 days, the investigator will provide the Chief of Staff/designee with appropriate documentation detailing the reasons why the investigation was not initiated within this timeframe.
- 5.4.2 Investigations should be completed within twenty (20) calendar days (as defined herein) from the receipt of the initial complaint. If the investigation is not complete within twenty (20) calendar days, the investigator will provide the Chief of Staff/designee with appropriate documentation detailing the reasons why the investigation has not been completed.
- 5.4.3 If the allegations in the formal complaint involve or the investigator becomes aware that the alleged conduct could rise to the level of student-to-student sexual misconduct or violence (as defined herein) the SRO should be contacted immediately to determine if law enforcement will investigate the accusations. If the SRO is not available, the SRO supervisor will be contacted for assistance in reporting to other available law enforcement. In any event where there are allegations of student-to-student sexual misconduct or violence between students the Chief of Staff/designee shall be advised via email at TitleIXappeals@cmcoss.net.
 - a) If CMCSS receives written notification from a law enforcement agency, court of law, or Department of Children's Services that requires CMCSS to delay its internal investigation, CMCSS employees are not to request additional written or verbal statements from students, and the SRO will be responsible for law enforcement's investigation.
 - b) A CMCSS employee, in coordination with the SRO, will notify parents/guardians of the alleged parties within 1 day (excluding weekends and District holidays and closures) that the matter has been referred to law enforcement for consideration and possible investigation.
 - c) Despite the pendency of any law enforcement investigation, CMCSS still will advise the parties of its independent investigative procedure and that pursuant to Title IX an internal investigation will occur.
 - d) Once the SRO or law enforcement advises that it has completed its investigation, the CMCSS investigator immediately will proceed with or resume the school's investigation, documenting the investigation and following the process as set forth below in 5.4.5. through 5.4.8. **Schools cannot rely on law enforcement's**



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

investigation, rather they must do an independent investigation.

5.4.4 If the allegation is student to student sexual misconduct or violence at the elementary level, in addition to reporting to the SRO, report to DCS and contact Lead Counselor for further guidance. [INS-P040](#), Reporting Suspected Child Abuse Procedure, should be followed.

5.4.5 For formal complaints with allegations of sexual harassment against a student, including ones initially handled by SRO or law enforcement as set forth in 5.4.3 (sexual misconduct or violence), the investigations must:

i. Provide an equal opportunity for the parties to present witnesses and evidence;

ii. Not restrict the ability of either party to discuss the allegations under investigation or gather and present relevant evidence;

iii. Refrain from requiring, allowing, or relying upon, or otherwise using questions or evidence that seek disclosure of information protected by a legally recognized privilege unless such privilege has been waived;

iv. Provide the parties with the same opportunities to have others present during investigatory process, i.e., interview or meeting, by the advisor of their choice. The investigator may restrict any others from participating, as long as the restrictions apply equally to both parties;

v. Provide to parties whose participation is requested written notice of the date, time, location, participants, and purpose of all investigative interviews or other meetings, with sufficient time for the party to prepare to participate (Ref. [STS-F040](#));

vi. Provide both parties and their advisors, if any, an equal opportunity to **inspect and review** any evidence directly related to the allegations in the formal complaint in an electronic format or hard copy and permit all parties at least ten (10) days to submit a written response, which the investigator must consider prior to the creation of the final investigative report. **Parties should not be given copies of the evidence (other than a copy of the party's own written statement.)** Such inspection and review are subject to parties and their advisors executing an appropriate non-disclosure agreement (Ref. [STS-F046](#)); and

vii. Result in the creation of an investigative report that fairly summarizes the relevant evidence, including but not limited to, witness credibility, discrepancies, and relevant CMCSS policies, rules and regulations, and the manner in which the same were made known to pertinent school populations or specific parties. Prior to the completion of the investigative report, the investigator must ensure the parties had the opportunity to review and inspect all evidence and submit a written response. The investigative report must show that any written response regarding



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

the evidence was considered and must address whether the written response comports with or contradicts the evidence.

The Investigator does NOT make a finding as to responsibility. however, in five circumstances, an investigator has the authority to dismiss a formal complaint as such is permitted under Title IX regulations. Ref. [STS-F038](#).

5.4.6. Within the parameters of Federal Educational Rights and Privacy Act (FERPA), the investigator must keep the complainant and respondent informed of the status of the investigation process.

5.4.7. At the close of the investigation, a written final investigative report will be delivered to the Principal/decision-maker, Chief of Staff/designee at TitleIXappeals@cmcsc.net, to the parents/guardians of the complainant and respondent, and/or the complainant/respondent, and the CHRO (if allegations involve employee to student-based harassment). (Ref. [STS-F038](#) Investigative Report of Sexual Harassment Complaint (Student) and [STS-F042](#)).

5.4.8. At the conclusion of any district investigation of sexual harassment of a student, the investigator shall provide to the decision-maker and Chief of Staff/designee at TitleIXappeals@cmcsc.net all documentation related to the investigation: investigator notes, witness interviews, evidence submitted by the parties or otherwise received, investigative reports/summaries, notes/communications to parties, any final disposition notices to the parties including the dates of the letters, disciplinary records, and documentation regarding any appeals.

5.4.9. If the respondent is an employee, the CHRO will appoint an investigating official to conduct the investigation to ensure an adequate, reliable and impartial investigation. The official conducting the investigation will prepare an investigative report and provide it to the CHRO within 20 days of the initial allegation assuming no law enforcement agency, state agency, such as Department of Children's Services, or court has directed CMCSS in writing to delay its internal investigation pending a possible criminal investigation. If such a delay is required, CMCSS will notify the complainant and/or complainant's parent/guardian, and upon the notice of law enforcement that it can proceed with its independent investigation without risk of interfering with law enforcement's criminal investigation, the District will immediately proceed with or resume its internal investigation.

5.5 Determination of Responsibility and Initial Decision Maker. The principal will act as the decision-maker at his/her respective school with the exception of allegations of employee against student harassment which will be addressed as in Section 5.4.9.

5.5.1. He/she will receive the final report of investigation and allow each party five (5) calendar days from the date of the investigative report to submit to the decision-maker written, relevant questions that the party wants asked of any party or witness prior to the determination of responsibility.



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

i. Relevant questions will be answered within three (3) calendar days and the decision-maker will provide those answers to the parties. Parties will be permitted two (2) calendar days to submit limited follow up questions, and those will be answered within two (2) calendar days. No additional follow up questions will be permitted.

ii. The decision-maker must explain to the party proposing the questions any decision to exclude a question as not relevant. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions are offered to prove either that someone other than the respondent committed the conduct as alleged by the complainant or to prove the conduct was consensual and concern specific incidents of the complainant's prior sexual behavior with respect to the respondent.

5.5.2. Within ten (10) calendar days of receiving answers to all relevant written questions but in no event before the expiration of the 10 days from the date of the investigative report, the decision-maker shall make a determination regarding responsibility and provide the written determination to the Chief of Staff/designee and parties simultaneously, along with information about how to file an appeal. The decision-maker must consider: (1) the investigative report and evidence, (2) any party's response to the investigative report, and (3) answers to any relevant submitted questions.

The written determination of responsibility must include:

- i. identification of the allegations potentially constituting sexual harassment;
- ii. a description of the procedural steps taken from the receipt of the formal complaint through the determination of responsibility, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence;
- iii. findings of fact supporting the determination;
- iv. conclusions regarding the application of the Code of Conduct to the facts;
- v. a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility and any disciplinary sanction to be imposed upon the respondent, whether further supportive measures are necessary for the complainant and any other actions are necessary to prevent the recurrence of harassment; and
- vi. a description of CMCSS' appeal process for either party (See 5.6 below).

Ref. [STS-F043](#).

5.5.3. In making his/her determination, the decision-maker will:

- i. Ensure that the respondent is presumed not responsible for the alleged conduct until determination at the conclusion and review of all evidence;
- ii. Not make any credibility determinations based upon a person's status as a complainant, respondent, or witness; and
- ii. Make his/her decision based upon the preponderance of the evidence which means that amount of evidence that causes him/her to conclude that an allegation is probably true. For an allegation to be proven by a preponderance of the



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

evidence, the official must find that the evidence shows that more likely than not the allegation did occur and more likely than not the alleged perpetrator(s) committed the act(s). If the evidence on a particular issue is equally balanced, that issue has not been proven by a preponderance of the evidence.

5.5.4. Dismissal of a Formal Complaint.

- i. The District must dismiss a formal complaint with regard to Title IX sexual harassment if the alleged conduct even if proven would not constitute sexual harassment or if it did not occur in the District's education program/activity.
- ii. The District may dismiss a formal complaint with regard to Title IX sexual harassment if at any time during the investigation or determination of responsibility stage(s) a complainant gives written notice that he/she would like to withdraw the formal complaint or any allegations therein; the respondent is no longer enrolled or employed by the District; or specific circumstances prevent the District from gathering evidence sufficient to reach a determination as to the formal complaint, i.e., passage of time or lack of cooperation by complainant.
- iii. Prior to dismissal of a formal complaint, the person responsible at that stage will consult with CMCSS General Counsel.
- iv. Upon dismissal of a formal complaint, the District promptly must send written notice of the dismissal and the reasons therefore to the parties.

NOTE: The dismissal of a formal complaint under Title IX does not preclude the District from continuing any investigation or taking action under other District policies or Code of Conduct.

5.6 Appeals Process. Either party may appeal from a determination of responsibility or the dismissal of a formal complaint by submitting the written appeal to the Chief of Staff/designee within ten (10) days of the date of a determination of responsibility. The Chief of Staff/designee will serve as the appellate decision-maker only as to the bases set out in 5.6.1.

5.6.1. An appeal under the sexual harassment policy may only be made upon one or more the following bases, which must be stated specifically in the party's written appeal:

- i. Procedural irregularity that affected the outcome of the matter;
- ii. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and such evidence could affect the outcome of the matter; or
- iii. The investigator or decision-maker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent and this affected the outcome of the matter.

Appeals pursuant to this provision pertain only to the determination of responsibility and non-disciplinary remedies. Once a determination of responsibility is final per 5.6.4 below or if no appeal is made within the required timeframe, appeals of disciplinary sanctions may be made pursuant to the District's ordinary review process for discipline. See STS-M001.



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

The written appeal should be submitted to Chief of Staff/designee via email at TitleIXappeals@cmcsc.net or by U.S. mail/hand delivery to the attention of Chief of Staff/Title IX designee at 621 Gracey Avenue, Clarksville, Tennessee 37040.

5.6.3. Within five (5) days of receipt of an appeal, the Chief of Staff/designee, as appellate decision-maker, will notify the parties in writing and include information about all deadlines and timeframes in the appeal stage. (Ref. [STS-F044](#)) Specifically, the appellant's written appeal request will be provided to the other party.

i. Each party will have five (5) days from the date of the appeal notice to submit a written statement in support of, or challenging, the outcome, with copies to the Chief of Staff/designee and the other party.

5.6.4. Within ten (10) days following the parties' appellate submissions, the Chief of Staff/designee will issue a written decision describing the result of the appeal and the rationale for the result. The written decision will be provided simultaneously to both parties, as well as the Director of Schools. This decision is final. Ref. [STS-F045](#).

6.0 INFORMAL RESOLUTION: At any time prior to reaching a determination regarding responsibility (but only after the filing of a formal complaint), CMCSS may offer an optional informal resolution process, such as mediation or restorative justice, provided that CMCSS:

- (1) Provides written notice to the parties disclosing:
 - (a) the allegations of the formal complaint;
 - (b) the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising out of the same allegations even if there is a breach of agreement, provided, however, that at any time prior to agreeing to an informal final resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - (c) any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.
- (2) Obtains the parties' voluntary written consent to the informal resolution process (Ref. [STS-F041](#)); and
- (3) Does not offer or facilitate an informal resolution process to resolve allegations of sexual harassment that an employee sexually harassed a student.

This is discretionary and optional process for District to offer and should be suggested sparingly to parents only when there is a high likelihood of resolution. Level Directors, not school administrators, serve as the facilitators of such process and should be consulted as to their availability. Documentation of outcome of informal resolution should be created by Level Director, with copy being maintained at school level and submitted to TitleIXappeals@cmcsc.net

7.0 GENERAL PROVISIONS:



REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System

7.1. The procedures set forth herein do not prevent or deny the complainant the right to pursue other avenues of recourse which may include filing charges with other appropriate governmental agencies, initiating civil action, or seeking redress under state or federal criminal law.

7.2. The District prohibits retaliation against persons who make a report or formal complaint or against any person who assists, participates or refuses to participate in any investigation of act alleged to be sexual harassment as defined herein. Retaliation may result in further disciplinary action being warranted.

7.2.1 Allegations regarding retaliation under Title IX will be investigated in accordance with the process outlined in Paragraph 5.4 **Investigations**.

7.3. The Sexual Harassment policy will be disseminated annually to all school staff, students, parents/guardians. All employees will receive training on complying with said policy and federal law.

7.4. Failure to forward any sexual harassment report or complaints as provided herein may result in disciplinary action as to CMCSS employees other than it is acknowledged that such report will not be made to the Chief Human Resources Officer if he or she is the subject of the investigation.

8.0 RECORDKEEPING REQUIREMENTS

8.1 Written records related to reports of alleged sexual harassment will be maintained for at least seven (7) years, to include: investigation records, disciplinary sanctions, remedies, appeals and records of any actions taken to include supportive measures.

8.2 Materials used to train Title IX Coordinators, Investigators, Decision-makers, Appellate Decision-makers, and employees designated to facilitate an informal process will be maintained for at least seven (7) years.

9.0 ASSOCIATED DOCUMENTS:

9.0 [STS-A007](#) Sexual Harassment (student)

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

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

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

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

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

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



**REPORTING PROCEDURE FOR STUDENTS
SUBJECTED TO ALLEGED SEXUAL HARASSMENT
(STS-P012)**

Clarksville-Montgomery County School System

- 9.7 [STS-F042](#) Transmittal of Investigative Report
- 9.8 [STS-F043](#) Written Determination
- 9.9 [STS-F044](#) Acknowledgment of Appeal and Notice of Appeal Deadlines
- 9.10 [STS-F045](#) Written Appellate Decision
- 9.11 [STS-F046](#) Non-Disclosure Agreement
- 9.12 [HUM-M001](#) Employee Handbook
- 9.13 [STS-M001](#) Student Code of Conduct
- 9.14 Title VII of the Civil Rights Act of 1964
- 9.15 Title IX of the Educational Amendments of 1972

10.0 RECORD RETENTION TABLE:

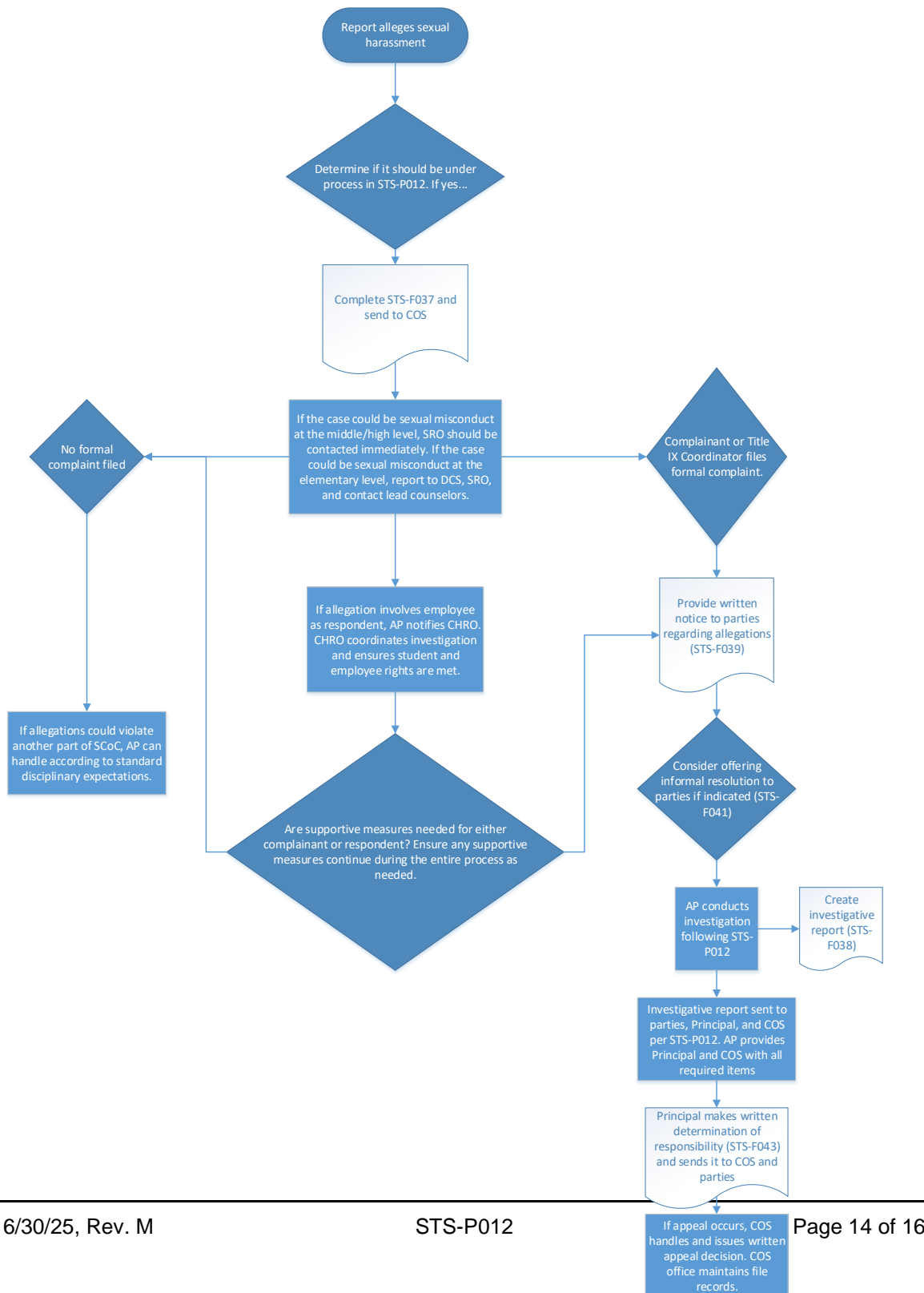
<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
All Records will be Electronic Records	Electronic	Indefinitely	None	Backup on Server

11.0 FLOWCHART:

A flowchart detailing this procedure can be found on the following page.

REPORTING PROCEDURE FOR STUDENTS SUBJECTED TO ALLEGED SEXUAL HARASSMENT (STS-P012)

Clarksville-Montgomery County School System





**REPORTING PROCEDURE FOR STUDENTS
SUBJECTED TO ALLEGED SEXUAL HARASSMENT
(STS-P012)**

Clarksville-Montgomery County School System

12.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
7/24/14		Initial Release
8/28/14	A	Flowchart added
9/11/14	B	Flowchart updated
4/8/15		Legal Counsel Review
4/17/15	C	Clarify 4.1.3, 5.2.3, update last sentence in 5.2.4 & in 5.5, add 6.10
11/30/16		Added HUM-F037 hyperlink per CHRO request.
4/25/17	D	Updated 5.2.3.
12/21/18	E	Inserted reference to Title IX Coordinator throughout procedure. Updated Director of Schools information. 5.3.2, added "evidence shows that more likely than not the allegation did occur and more likely than not the alleged perpetrator(s) committed the act(s)." New information in 5.3.4, 5.3.4a, and 5.5. Removed 6.9 from associated documents (duplicate).
1/11/19	F	Added HUM-F111 and HUM-F112 to associated documents.
8/6/19	G	Updated to reflect reporting to Title IX Coordinator of instances involving students. 5.11, new. Updated flowchart.
10/16/20	H	HUM-P028 retired, replaced with STS-P012. Substantial changes made throughout the policy to reflect changes to Title IX requirements.
2/1/21	I	Updated flowchart added to reflect new procedure.
6/24/21	J	Updated procedure throughout to change "Chief of Staff" to "Chief of Staff/designee."
7/6/22	K	Updated 5.4.3 - Schools cannot rely on law enforcement's investigation, rather they must do an independent investigation. Added DCS as another entity that should receive a report if alleged misconduct or violence occurs at the elementary level in 5.4.4 In item 5.4.5 (iv), updated that parties should not be given copies of evidence other than their own written statements. In item 6.0, added, "Documentation of outcome of informal resolution should be created by Level Director, with copy being maintained at school level and submitted to TitleXappeals@cmc'ss.net ."
6/13/24	L	Updated language in 7.2.1 to clarify the investigatory steps for allegations of retaliation. Updated COS phone number.



**REPORTING PROCEDURE FOR STUDENTS
SUBJECTED TO ALLEGED SEXUAL HARASSMENT
(STS-P012)**

Clarksville-Montgomery County School System

*** * * E n d o f P r o c e d u r e * * ***