
ADMINISTRATIVE POLICY

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

SEXUAL HARASSMENT

It is the policy of Clarksville-Montgomery County School System (District) to maintain a learning and working environment that is free from sexual harassment. The District prohibits any and all forms of sexual harassment which is a form of sexual discrimination in violation of Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. The District does not tolerate sexual harassment, including sexual violence or misconduct.

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

The District will act promptly to investigate all complaints of sexual harassment as defined herein, whether formal or informal, verbal or written; to promptly take appropriate action to protect individuals who may have been sexually harassed; and if it determines that unlawful sexual harassment occurred, to promptly and appropriately discipline any student or employee who is found to have violated this policy and/or take other appropriate action reasonably calculated to end the sexual harassment. (Ref. HUM-P019 and HUM-P029)

For purposes of this policy, sexual harassment is unwelcome and unsolicited conduct of a sexual nature. It includes sexual advances, requests for sexual favors, sexually motivated physical conduct, and other verbal, nonverbal or physical conduct or communication of a sexual nature occurring on school property or at a school-sponsored event when:

- a. Submission to such conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment or of obtaining an education, i.e., participating in a school program or activity; or
- b. Submission to or rejection of that conduct or communication by a student or employee is used as a factor or the student or employee is led to believe that it will be a factor in decision(s) affecting that individual's employment or education;
- c. For a student: The conduct or communication is so severe, pervasive, or objectively offensive that it is sufficiently serious enough to interfere with, limit, or deprive access to a student's ability to participate in or benefit from the educational opportunities provided by the District.

For an employee/third-party individual: The conduct or communication is so severe, persistent or pervasive that it has the purpose or effect of substantially or unreasonably interfering with an employee's employment or creates an intimidating, threatening, hostile, or offensive employment environment.

Included in the above definition of sexual harassment is sexual violence. 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.

Also included in the above definition of sexual harassment is student to student sexual misconduct 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. (Ref. HUM-P028)

Examples of conduct which may constitute sexual harassment include:

- a. sexual advances;
- b. unwelcome intentional touching, patting, grabbing or pinching another person’s intimate parts, whether that person is of the same sex or the opposite sex;
- c. coercing, forcing or attempting to coerce or force the touching of anyone’s intimate parts
- d. coercing, forcing or attempting to coerce or force sexual intercourse or a sexual act on another;
- e. sexual gestures;
- f. sexual or dirty jokes;
- g. unwelcome sexually motivated or inappropriate touching;
- h. 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.

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: [HUM-P019](#) Reporting Allegations of Sexual Harassment
 [HUM-P028](#) Student to Student Sexual Misconduct Middle and High School Students
 [HUM-P029](#) Reporting Allegations of Sexual Harassment of Student

Associated Documents: [HUM-F036](#) Sexual Harassment Report Form
 [HUM-F037](#) Investigative Report Regarding Sexual Harassment Complaint by Student
 [HUM-F038](#) Report of Investigation of Sexual Harassment Complaint by Employee
 [HUM-F076](#) Report of Middle or High School Student to Student Sexual Misconduct
 [HUM-M001](#) Employee Handbook
 Title VII of the Civil Rights Act of 1964
 STS-M001 Student Code of Conduct
 Title VII of the Civil Rights Act of 1964
 Title IX of the Education Amendments of 1972

Revision History:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
10/28/05		Initial Release
8/27/12	A	Add statement “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.”

11/4/13	B	Added Implementing Procedure: HUM-P028 Student to Student Sexual Misconduct Middle and High School Students and Associated Document: HUM-F076 Report of Middle or High School Student-to-Student Sexual Misconduct; Updated logo and format
5/4/2015	C	Several revisions made to content by legal counsel. Added Implementing Procedure: HUM-P029 Reporting Allegations of Sexual Harassment of Student and Associate Documents: HUM-F037 Investigative Report Regarding Sexual Complaint by Student, STS-M001 Student Code of Conduct. Added annotation Title IX of the Education Amendments of 1972.
1/15/18	D	Para. 4, section c: added "enough" to first sentence.

***** End of Policy *****