

Williamson County Board of Education

**Adopted Date:**

1/22/01;
Editorial 6/19/14; Rev.
3/19/18

6.304

ANTI-HARASSMENT
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1 **AUTHORITY:** Tennessee Human Rights Act; Title VI of the Civil Rights Act of 1964; Title IX of the
2 Education Amendments of 1972; and Section 504 of the Rehabilitation Act of 1973.

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4 **PURPOSE:** To establish a learning and working environment free from harassment.

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6 **APPLICATION:** All students, employees, third party members of the Williamson County Board of
7 Education, and consultants.

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9 **DEFINITIONS:** Included within policy.

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11 **POLICY:**

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13 **I. GENERAL STATEMENT OF POLICY**

14 The Williamson County Board of Education is committed to safeguarding the rights of all students, employees
15 and third parties within the school system, on school campuses, at school events, and on school buses to
16 learn and work in an environment that is free from all forms of harassment and/or sexual harassment.

17 It is the policy of the Williamson County Board of Education to maintain a learning and working environment
18 that is free from harassment of any type. The Board prohibits any form of sexual harassment or harassment
19 based upon age, religion, disability, color, and/ or race/national origin or any other class protected by law. All
20 persons are required to make a conscientious effort to fully consider and understand the nature and basis of
21 a harassment or sexual harassment complaint.

22 It shall be a violation of this policy for any student, teacher, administrator or other school personnel or the
23 Williamson County Schools to harass or sexually harass a student, teacher, administrator or other school
24 personnel through conduct or communication of any form as defined by this policy. The school system will
25 act to promptly investigate all complaints and to promptly and appropriately discipline any student or school
26 personnel who is found to have violated this policy, and/or take other appropriate action reasonably
27 calculated to end the harassment or sexual harassment.

28 For the purpose of this policy, school personnel includes school board members, employees of the
29 Williamson County Schools, agents, volunteers, contractors, or persons subject to the supervision and control
30 of the Williamson County Schools.

31 Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the
32 Rehabilitation Act of 1973 require school districts to have officially adopted policy statements of
33 nondiscrimination on the basis of sex, disability, national origin, race or any other class protected by law.

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35 **II. HARASSMENT DEFINED AND PROHIBITED**

36 A. It is the policy of the Williamson County Board of Education not to discriminate on the basis of sex, race,
37 national origin, color, creed, religion, age, marital status, disability or any other class protected by law in its
38 educational programs, activities, or employment policies as required by the referenced federal and state
39 statutes. Any student or school personnel shall be punished for infractions of this policy when:

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1. The harassing conduct is sufficiently severe, persistent or pervasive that it affects the ability of the student or school personnel to participate in or benefit from the educational program or activity or the work environment and/or creates an intimidating, threatening or abusive environment.
 2. The harassing conduct has the purpose or effect of substantially or unreasonably interfering with an individual's academic or work performance.

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1 III. SEXUAL HARASSMENT DEFINED AND PROHIBITED

2 A. Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually
3 motivated physical contact, or other verbal or physical conduct or communication, including electronic
4 messages and photos, or social media postings of a sexual nature when:

- 5 1. Submission to that conduct or communication is made a term or condition, either explicitly or
6 implicitly, of obtaining or retaining employment, or of obtaining an education; or
- 7 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in
8 decisions affecting that individual's employment or education; or
- 9 3. That conduct or communication has the purpose or effect of substantially or unreasonably
10 interfering with an individual's employment or education, or creating an intimidating, hostile or
11 offensive employment or education environment. Any sexual harassment as defined when
12 perpetrated on any student or employee will be treated as sexual harassment under this policy.

13 B. Sexual harassment may include but is not limited to:

- 14 1. Sexual advances;
- 15 2. Verbal harassment or abuse;
- 16 3. Subtle pressure for sexual activity;
- 17 4. Touching of a sexual nature, including inappropriate patting or pinching;
- 18 5. Intentional brushing against a student or employee's body;
- 19 6. Demanding sexual favors accompanied by implied or overt threats concerning an individual's
20 employment or educational status;
- 21 7. Demanding sexual favors, especially when accompanied by implied or overt promises of
22 preferential treatment with regard to an individual's employment or educational status;
- 23 8. Graffiti of a sexual nature;
- 24 9. Displaying or distributing sexually explicit drawings, pictures or other written materials, including
25 making and playing sexually explicit audio/video tapes;
- 26 10. Sexual gestures, including touching oneself sexually or talking about ones sexual activities in
27 front of others;
- 28 11. Sexual or "dirty" jokes; or
- 29 12. Spreading rumors about or rating other students as to sexual activity or performance;
- 30 13. Written or electronic communication of a sexual nature that is unwanted and unwelcome; or
- 31 14. Circulating, displaying or creating emails, text messages, social media postings, or websites of a
32 sexual nature.

34 IV. REPORTING PROCEDURES

35 Any person who believes he or she has been the victim of harassment or sexual harassment as defined in
36 section II and III of this policy by a student or school personnel, or any third person with knowledge or belief
37 of conduct which may constitute harassment or sexual harassment shall report the alleged act(s) immediately
38 to the appropriate school system official as designated by this policy. The Board encourages the reporting
39 party or complainant to use the report form available from the Principal of each school or available from the
40 school system office. If a student reports sexual harassment to a teacher, the teacher must report the incident
41 to the Principal as soon as reasonably practicable, but no later than the close of the school day in which the
42 report is received. In cases subject to reporting under TCA 49-6-1601, the Principal must report the incident
43 to the victim's parents within 24 hours of receiving notice unless otherwise instructed by the Department of
44 Children's Services or law enforcement. In cases not subject to reporting under TCA 49-6-1601, the
45 Principal must report the incident to the victim's parents by no later than the school day following the day of
46 the report.

47 A. **In Each School** – The school Principal is the person responsible for receiving oral or written reports of
48 harassment or sexual harassment at the school level. Upon receipt of a report, the Principal must notify the
49 Coordinator of Student and Employee Relations (as appointed by the Superintendent of Schools)
50 immediately.

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1 If the report was given verbally, the Principal shall reduce it to written form within 24 hours and forward it to
2 the Coordinator of Student and Employee Relations. Failure to forward any harassment or sexual harassment
3 report or complaint as provided herein will result in disciplinary action. If the complaint involves the school
4 Principal, the complaint shall be filed directly with the Coordinator of Student and Employee Relations.

5 **B. System-wide** – Prior to June 30 each year, the Superintendent of Schools will designate the system’s
6 Coordinator of Student and Employee Relations to receive reports or complaints of sexual harassment from
7 any individual, employee or victim of harassment or sexual harassment and also from the school Principals
8 as outlined above. This appointment will be made public at the next regular meeting of the Board of
9 Education and will include the appointee’s name, office phone number and office mailing address. If the
10 complaint involves the Coordinator of Student and Employee Relations, the complaint shall be filed directly
11 with the Superintendent of Schools. If the complaint involves the Superintendent of Schools or the
12 Williamson County Board of Education, the complaint shall be made to the School Board Attorney.

13 **C.** Submission of a complaint or report of harassment or sexual harassment will not affect the reporting
14 individual’s future employment, grades or work assignment.

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16 The school system will respect the confidentiality of the complainant and the individual(s) against whom the
17 complaint is filed as much as possible, consistent with the school system’s legal obligations and the necessity
18 to investigate allegations of harassment and take disciplinary action when the conduct has occurred.

19 20 **V. INVESTIGATION AND RECOMMENDATION**

21 By Board authority the Title IX Coordinator or the Coordinator of Student and Employee Relations, upon
22 receipt of a report or complaint alleging harassment or sexual harassment, shall immediately authorize an
23 internal investigation. This internal investigation shall be conducted by school officials, such as the principal
24 or assistant principal at the school where the harassment is alleged to have occurred. The Title IX
25 Coordinator or Superintendent of Schools may also designate or appoint a neutral third party to conduct the
26 internal investigation. All investigators designated or appointed to conduct an internal investigation must
27 receiving training or have specific experience on how to conduct a sexual harassment investigation that
28 complies with this policy and Title IX.

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30 School officials shall move forward expeditiously with the internal investigation. Notwithstanding the
31 foregoing, the internal investigation may be deferred at the direction of law enforcement or DCS if the
32 reported incident is the subject of a DCS or criminal investigation, The temporary suspension of the internal
33 investigation shall be for the minimum amount of time deemed necessary or until law enforcement or DCS
34 advise school investigators that the internal investigation may move forward.

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36 The investigators shall provide a written report of the status of the investigation as soon as possible, but no
37 later than 14 days from the beginning of the investigation, to the Title IX Coordinator, the Coordinator of
38 Student and Employee Relations, and the Superintendent of Schools or designee. The Title IX Coordinator
39 or the Coordinator of Student and Employee Relations shall remain informed throughout the school
40 investigation process and shall provide input to school investigators regarding the conduct of the investigation
41 on an ongoing basis as appropriate to ensure compliance.

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43 In determining whether alleged conduct constitutes harassment or sexual harassment, the surrounding
44 circumstances, the nature of the sexual advances if sexual harassment is alleged, relationships between
45 parties involved and the context in which the alleged incidents occurred shall be considered.

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47 The investigators conducting the investigation shall objectively gather facts and evidence to maintain a
48 neutral, impartial, and unbiased assessment. The investigation shall consist of, but not be limited to,
49 personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others

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1 who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. Both the
2 complainant and the alleged harasser shall have opportunity to identify individuals with knowledge of relevant
3 circumstances and submit evidence during the course of the investigation that supports their claims or
4 defenses. The investigation shall also consist of any other methods and documents deemed pertinent by the
5 investigator.
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7 In addition, school investigators are authorized to take immediate steps to protect the complainant, students
8 and employees pending completion of an investigation of alleged harassment or sexual harassment. For
9 example, as appropriate to the situation, school officials may take steps to separate the complainant and the
10 alleged harasser by adjusting class schedules, lunch schedules and extracurricular activities, increasing
11 security for the victim, limiting contact between the complainant and the alleged harasser during the
12 pendency of the investigation, providing counseling resources available through the school or the school
13 district, or taking other such proactive action as necessary to ensure protection of the complainant and the
14 alleged harasser pending completion of the investigation and thereafter.
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16 Generally an investigation will be completed within sixty days of commencement (or within sixty days of
17 authorization by law enforcement/DCS as outlined above). Should the investigation period exceed sixty
18 days, written notification to the complainant and the alleged harasser of the reason for the delay shall be
19 provided.
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21 The Superintendent of Schools, Title IX Coordinator, or the Coordinator of Student and Employee Relations
22 shall keep the complainant and the alleged harasser informed of the status of investigation process.
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24 VI. SCHOOL DISTRICT ACTION

25 A. Immediately following the internal school investigation, the school investigators shall prepare a written
26 report that sets forth its findings and recommendations. The written report will be forwarded to the Title IX
27 Coordinator. A final determination regarding whether the complaint is substantiated, and what action shall be
28 taken, shall be made at the school level by the School Principal or Assistant Principal, and if other than the
29 school level, shall be made by the Superintendent of Schools or his designee.

30 B. The final determination shall be made based upon a preponderance of the evidence standard of proof
31 (i.e., it is more likely than not that sexual harassment occurred). The Superintendent of Schools or his/her
32 designee shall take such action as appropriate based on the result of the investigation.

33 C. The Superintendent of Schools, the Coordinator of Student and Employee Relations or the School
34 Administration, as appropriate, shall promptly provide a written report regarding the result of the investigation
35 of each complaint filed under these procedures in writing to the complainant and the alleged harasser. The
36 report shall document any disciplinary action taken as a result of the complaint.

37 D. The Superintendent of Schools or the Coordinator of Student and Employee Relations shall require
38 school officials to take other immediate steps as are necessary to prevent recurrence of the harassment.

39 E. Any complainant or accused harasser who is dissatisfied with the conclusions drawn as a result of the
40 investigation may appeal the matter by following the grievance procedures outlined in Board of Education
41 Policy 6.305.
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43 VII. REPRISAL

44 The Superintendent of Schools shall discipline any individual who retaliates against any person who reports
45 alleged incidents of harassment or sexual harassment (as defined in section II and III of this policy) or who
46 retaliates against any person who testifies, assists or participates in an investigation, proceeding or hearing
47 relating to a harassment or sexual harassment complaint. Retaliation includes, but is not limited to, any form
48 of intimidation, reprisal or harassment, which creates a hostile environment.
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1 **VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES**

2 These procedures do not deny the right of any individual to pursue other avenues of recourse that may be
3 available under state and/or federal law.
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5 False accusations of harassment or sexual harassment (as defined in section II and III of this policy) can
6 have a serious detrimental effect on innocent parties. Any person who knowingly and intentionally makes
7 false accusations for any reason which would be contrary to the spirit and intent of this policy shall be subject
8 to immediate and appropriate disciplinary action.
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10 **IX. SEXUAL HARASSMENT AS SEXUAL ABUSE**

11 Under certain circumstances, sexual harassment may constitute sexual abuse as defined under Tennessee
12 Law. In such situations, the school system shall comply with Tennessee Law regarding the reporting of
13 suspected abuse to appropriate authorities.
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15 **X. DISCIPLINE**

16 Any action taken pursuant to this policy will be consistent with requirements of federal law, Tennessee
17 statutes, and school system policies. The Superintendent of Schools will take such disciplinary action
18 deemed necessary and appropriate.
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20 **XI. POLICY DISTRIBUTION**

21 A copy of the foregoing policy and reporting procedure shall be published in the Board's Policy Manual, shall
22 be included in each student handbook published by the school system, and shall be posted in a conspicuous
23 place in each school building. Postings of the policy shall include the name(s) of the person(s) to whom
24 reports should be directed.
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26 Staff Development and student education will be provided by the school system.
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28 Cross Reference:

29 5.500 Anti-Harassment

30 6.305 Complaints and Grievances
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