



Williamson County Board Policy Committee

November 2, 2020 6:00 PM

Support Services Building - Professional Development Room

1. Williamson County Schools is officially meeting electronically as it is necessary to protect public health, safety, and welfare in light of the coronavirus pursuant to Executive Orders # 16 and #60 signed by Governor Bill Lee and Waiver of Williamson County School Board Policy 1.400.

2. Agenda

3. Board Policies Second Reading

a. 5.500 Discrimination / Harassment of Employees

b. 5.501 Complaints and Grievances

c. 6.304.01 Student Discrimination, Harassment, Bullying, Cyber-Bullying, and Intimidation

Williamson County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Anti-Harassment	Descriptor Code: 5.500	Issued Date: 06/06/14
		Rescinds: 5.500	Issued: 01/22/01

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

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

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

7 **DEFINITIONS:** Included within policy.

8 **GENERAL STATEMENT OF POLICY**

9 The Williamson County Board of Education is committed to safeguarding the rights of all students,
10 employees and third parties within the school system, on school campuses, at school events, and on
11 school buses to learn and work in an environment that is free from all forms of harassment and/or sexual
12 harassment.¹

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

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

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

27 Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section
28 504 of the Rehabilitation Act of 1973 require school districts to have officially adopted policy statements
29 of nondiscrimination on the basis of sex, disability, national origin and race or any other class protected
30 by law.

1 HARASSMENT DEFINED AND PROHIBITED

2 It is the policy of the Williamson County Board of Education not to discriminate on the basis of sex,
3 race, national origin, color, creed, religion, age, marital status, disability or any other class protected by
4 law in its educational programs, activities, or employment policies as required by the referenced federal
5 and state statutes. Any student or school personnel shall be punished for infractions of this policy when:
6 The harassing conduct is sufficiently severe, persistent or pervasive that it affects the ability of the
7 student or school personnel to participate in or benefit from the educational program or activity or the
8 work environment and/or creates an intimidating, threatening or abusive environment. The harassing
9 conduct has the purpose or effect of substantially or unreasonably interfering with an individual's
10 academic or work performance.

11 Harassment may include but is not limited to:

- 12 1. Graffiti, notes, or cartoons containing discriminatory language;
- 13
- 14 2. Name calling, jokes, or rumors;
- 15
- 16 3. Negative stereotypes and hostile acts which are based upon a person's sex, race, national
17 origin, color, creed, religion, age, marital status, disability or any other class protected by law;
- 18
- 19 4. Written or graphic material containing discriminatory comments or stereotypes that is posted
20 or circulated and which is aimed at degrading individuals or members of protected classes;
- 21
- 22 5. Threatening or intimidating conduct directed at another because of the other's race, national
23 origin, color, creed, religion, age, marital status, disability or any other class protected by law;
24 and
- 25
- 26 6. A physical act of aggression or assault, or other acts of aggressive conduct, upon another
27 because of, or in a manner reasonably related to, an individual's race, national origin, color,
28 creed, religion, age, marital status, or disability or any other class protected by law.

29 SEXUAL HARASSMENT DEFINED AND PROHIBITED

30 Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, sexually
31 motivated physical contact, or other verbal or physical conduct or communication of a sexual nature
32 when:

- 33 1. Submission to that conduct or communication is made a term or condition, either explicitly or
34 implicitly, of obtaining or retaining employment, or of obtaining an education; or
- 35
- 36 2. Submission to or rejection of that conduct or communication by an individual is used as a
37 factor in decisions affecting that individual's employment or education; or
- 38
- 39 3. That conduct or communication has the purpose or effect of substantially or unreasonably
40 interfering with an individual's employment or education, or creating an intimidating, hostile or
41 offensive employment or education environment.

1 Any sexual harassment as defined when perpetrated on any student or employee will be treated as sexual
2 harassment under this policy.

3 Sexual harassment may include but is not limited to:

4 1. Sexual advances;

5

6 2. Verbal harassment or abuse;

7

8 3. Subtle pressure for sexual activity;

9

10 4. Touching of a sexual nature, including inappropriate patting or pinching;

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12 5. Intentional brushing against a student or employee's body;

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14 6. Demanding sexual favors accompanied by implied or overt threats concerning an individual's
15 employment or educational status;

16

17 7. Demanding sexual favors, especially when accompanied by implied or overt promises of
18 preferential treatment with regard to an individual's employment or educational status;

19

20 8. Graffiti of a sexual nature;

21

22 9. Displaying or distributing sexually explicit drawings, pictures or other written materials,
23 including making and playing sexually explicit audio/video tapes;

24

25 10. Sexual gestures, including touching oneself sexually or talking about ones sexual activities in
26 front of others;

27

28 11. Sexual or "dirty" jokes; or

29

30 12. Spreading rumors about or rating other students as to sexual activity or performance.

31 **REPORTING PROCEDURES**

32 Any person who believes he or she has been the victim of harassment or sexual harassment as defined
33 in this policy by a student or school personnel, or any third person with knowledge or belief of conduct
34 which may constitute harassment or sexual harassment shall report the alleged act(s) immediately to the
35 appropriate school system official as designated by this policy. The Board encourages the reporting party
36 or complainant to use the report form available from the Principal of each school or available from the
37 school system office.

38 *In Each School*

39 The school Principal is the person responsible for receiving oral or written reports of harassment or
40 sexual harassment at the school level. Upon receipt of a report, the Principal must notify the Coordinator
41 of Student and Employee Relations (as appointed by the Superintendent of Schools) immediately. A

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

7 *System-wide*

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

16 Submission of a complaint or report of harassment or sexual harassment will not affect the reporting
17 individual's future employment, grades or work assignment.

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

22 **INVESTIGATION AND RECOMMENDATION**

23 By Board authority the Coordinator of Student and Employee Relations, upon receipt of a report or
24 complaint alleging harassment or sexual harassment, shall immediately authorize an investigation. This
25 investigation shall be conducted by the school system officials and/or by a third party designated by the
26 Superintendent of Schools. The party making the investigation shall provide a written report of the status
27 of the investigation as soon as possible to the Superintendent of Schools and the Coordinator of Student
28 and Employee Relations.

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

32 The investigation shall consist of, but not be limited to, personal interviews with the complainant, the
33 individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged
34 incident(s) or circumstances giving rise to the complaint. The investigation shall also consist of any other
35 methods and documents deemed pertinent by the investigator.

36 In addition, the Superintendent of Schools shall take immediate steps to protect the complainant, students
37 and employees pending completion of an investigation of alleged harassment or sexual harassment.

1 SCHOOL DISTRICT ACTION

2 Upon receipt of a recommendation that the complaint is valid, the Superintendent of Schools shall take
3 such action as appropriate based on the result of the investigation. The Superintendent of Schools or the
4 Coordinator of Student and Employee Relations shall report the result of the investigation of each
5 complaint filed under these procedures in writing to the complainant. The report shall document any
6 disciplinary action taken as a result of the complaint. The Superintendent of Schools or the Coordinator
7 of Student and Employee Relations shall take other steps as are necessary to prevent recurrence of the
8 harassment. The Superintendent of Schools or the Coordinator of Student and Employee Relations shall
9 keep the complainant informed of the status of complaints.

10 REPRISAL

11 The Superintendent of Schools shall discipline any individual who retaliates against any person who
12 reports alleged incidents of harassment or sexual harassment (as defined in this policy) or who retaliates
13 against any person who testifies, assists or participates in an investigation, proceeding or hearing relating
14 to a harassment or sexual harassment complaint. Retaliation includes, but is not limited to, any form of
15 intimidation, reprisal or harassment, which creates a hostile environment.

16 RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

17 These procedures do not deny the right of any individual to pursue other avenues of recourse that may
18 be available under state and/or federal law.

19 False accusations of harassment or sexual harassment (as defined in this policy) can have a serious
20 detrimental effect on innocent parties. Any person who knowingly and intentionally makes false
21 accusations for any reason which would be contrary to the spirit and intent of this policy shall be subject
22 to immediate and appropriate disciplinary action.

Legal References

1. 29 CFR §1604.11; 20 USCA § 1681

Cross References

Appeals To and Appearances Before the Board 1.404
Equal Opportunity Employment 5.104
Complaints and Grievances 5.501

Williamson County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Discrimination / Harassment of Employees (Sexual, Racial, Ethnic, Religious)	Descriptor Code: 5.500	Issued Date:
		Rescinds:	Issued:

1 Employees shall be provided a work environment free from sexual, racial, ethnic, and religious
2 discrimination/harassment. It shall be a violation of this policy for any employee or any student to
3 discriminate against or harass an employee through disparaging conduct or communication that is sexual,
4 racial, ethnic, or religious in nature.

5 Employee discrimination/harassment will not be tolerated.¹ Discrimination/harassment is defined as
6 conduct, advances, gestures, or words, either written or spoken, of a sexual, racial, ethnic, or religious
7 nature that:

- 8 1. Unreasonably interferes with the individual's work or performance;
- 9
- 10 2. Creates an intimidating, hostile, or offensive work environment;
- 11
- 12 3. Implies that submission to such conduct is made an explicit or implicit term of employment; or
- 13
- 14 4. Implies that submission to or rejection of such conduct will be used as a basis for an employment
- 15 decision affecting the harassed employee.

16 Alleged victims of sexual, racial, ethnic, and religious discrimination/harassment shall report these
17 incidents immediately.² This report shall be made to the immediate supervisor, except when the
18 immediate supervisor is the offending party. If the immediate supervisor is the offending party, the report
19 may be made to the Assistant Superintendent of Human Resources. Allegations of
20 discrimination/harassment shall be fully investigated. An oral complaint may be submitted; however,
21 such complaint shall be reduced to writing to ensure a more complete investigation. The complaint shall
22 include the following information:

- 23 1. Identity of the alleged victim and person accused;
- 24
- 25 2. Location, date, time, and circumstances surrounding the alleged incident;
- 26
- 27 3. Description of what happened;
- 28
- 29 4. Identity of witnesses; and
- 30
- 31 5. Any other evidence available.

32 The privacy and anonymity of all parties and witnesses to complaints will be respected. However,
33 because an individual's need for confidentiality shall be balanced with obligations to cooperate with

- 1 police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough
2 investigation, or to take necessary action to resolve a complaint, the identity of parties and witnesses
3 may be disclosed in appropriate circumstances to individuals with a need to know.
- 4 A substantiated charge against an employee shall result in disciplinary action, up to and including,
5 termination. A substantiated charge against a student may result in corrective or disciplinary action, up
6 to and including, suspension.
- 7 There will be no retaliation against any person who reports discrimination/harassment or participates in
8 an investigation. However, any employee who refuses to cooperate or gives false information during the
9 course of any investigation may be subject to disciplinary action. The willful filing of a false report will
10 itself be considered harassment and will be treated as such.
- 11 An employee disciplined for violation of this policy may appeal the decision by contacting the
12 Superintendent of Schools.

Legal References

1. 29 CFR §1604.11; TCA 5-23-104
2. 20 USCA § 1681

Cross References

Equal Opportunity Employment 5.104
Complaints and Grievances 5.501
Title IX & Sexual Harassment 6.3041

Williamson County Board of Education

Monitoring: Review: Annually, in February	Descriptor Term: Complaints and Grievances	Descriptor Code: 5.501	Issued Date:
		Rescinds:	Issued:

1 EMPLOYMENT-RELATED COMPLAINTS/GRIEVANCES

2 Conflicts shall be resolved as quickly as possible and at the lowest supervisory level.

3 In instances of questions by an individual staff member concerning the interpretation of policies and
4 procedures to that staff member, administrative practices within the staff member's particular school,
5 and relationships with other employees, the staff member concerned shall consult his/her supervisor. If
6 a satisfactory resolution of the problem cannot be reached after ample opportunity for consideration of
7 the matter, the staff member concerned may discuss the matter with the next level of supervision, up to
8 and including, the Superintendent of Schools.

9 In instances where an individual staff member feels, for personal reasons, that they cannot discuss a
10 problem with their immediate supervisor, the staff member may take the problem directly to the
11 Superintendent of Schools. After review of the case, the Superintendent of Schools shall take action as
12 he/she deems appropriate, and within a prompt, reasonable time, shall notify all parties concerned of
13 his/her decision.

14 HARASSMENT/DISCRIMINATION GRIEVANCES

15 Employees shall notify the Assistant Superintendent of Human Resources or designee if they believe the
16 Board, district employees, or agents have violated their rights guaranteed by the state or federal
17 constitution, state or federal statute, board policy, or the following:^{1,2,3}

- 18 1. Age Discrimination Employment Act;¹
- 19
- 20 2. Title II of the Americans with Disabilities Act;⁴
- 21
- 22 3. Title IX of the Education Amendments of 1972;⁵
- 23
- 24 4. Section 504 of the Rehabilitation Act of 1973;⁶ or
- 25
- 26 5. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964 and Title IX of the
27 Education Amendments of 1972.^{7,5}

28 The Assistant Superintendent of Human Resources or designee will endeavor to respond and resolve
29 complaints without resorting to this grievance procedure, and if a complaint is filed, to address the
30 complaint promptly and equitably. The right of an employee to prompt and equitable resolution of the
31 complaint shall not be impaired by the employee's pursuit of other remedies. Use of this grievance

1 procedure is not a prerequisite to the pursuit of other remedies, and use of this grievance procedure does
2 not extend any filing deadline related to the pursuit of other remedies.

3 *Filing a Complaint*

4 An employee who wishes to avail himself/herself to this grievance procedure may do so by filing a
5 complaint with the Assistant Superintendent of Human Resources or designee. The employee may
6 request a complaint manager of the same sex. The complaint manager may assist the employee in filing
7 a grievance.

8 *Investigation*

9 The Assistant Superintendent of Human Resources will investigate the complaint or appoint a qualified
10 person to undertake the investigation on his/her behalf. The complaint and identity of the complainant
11 will not be disclosed except (1) as required by law or this policy; (2) as necessary to fully investigate the
12 complaint; or (3) as authorized by the complainant. If a complaint contains allegations involving the
13 Superintendent of Schools, then the attorney for WCS will investigate the complaint.

Legal References

1. Age Discrimination Employment Act, 29 USCA § 621 *et seq.*
2. Equal Pay Act, 29 USCA § 206(d)
3. Immigration Reform and Control Act, 8 USCA § 1324 *et seq.*
4. Americans with Disabilities Act, 42 USCA § 12101 *et seq.*
5. Title IX of the Education Amendments, 20 USCA § 1681 *et seq.*
6. Section 504 of the Rehabilitation Act, 29 USCA § 701 *et seq.*
7. Title VII of Civil Rights Act, 42 USCA § 2000e *et seq.*

Cross References

Section 504 and ADA Grievance Procedures 1.802
Equal Opportunity Employment 5.104
Discrimination/Harassment of Employees 5.500
Title IX & Sexual Harassment 6.3041

Williamson County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Bullying	Descriptor Code: 6.3032	Issued Date: 11/18/19
		Rescinds: 6.3032	Issued: 10/17/16

1 Bullying and bullying-related behaviors (e.g. cyber-bullying, intimidation, hazing, harassment, etc.)
2 are unacceptable behaviors, are strictly prohibited, and will not be tolerated.¹ Students found to be acting
3 in violation of this policy shall be subject to discipline, up to and including suspension or expulsion.

4 Principals shall be responsible for publicizing this policy, including notice to students and employees
5 that this policy applies to behavior at all school-sponsored activities. All WCS employees shall be
6 responsible for implementation of this policy.

7 Each school shall implement a bullying awareness program.

8 **DEFINITIONS**

9 **Bullying:** Bullying is defined by Tennessee law as any act that substantially interferes with a student's
10 educational benefits, opportunities or performance, and has the effect of:

- 11 1. Physically harming a student or damaging a student's property;
- 12
- 13 2. Knowingly placing the student or students in reasonable fear of physical harm to the student or
14 damage to the student's property;
- 15
- 16 3. Causing emotional distress to a student or students; or 4) Creating a hostile educational
17 environment.

18 **Hazing:** Hazing is defined by Tennessee law as any act that recklessly or intentionally endangers the
19 mental health, physical health or safety of a student for the purpose of initiation, or as a condition of
20 attaining membership in, or affiliation with, any school-sponsored activity or grade level attainment.²

21 **EXAMPLES**

22 Examples of acts which may be considered bullying include, but are not limited to:

- 23 1. Overt, repeated acts or gestures made with the intent to harass, ridicule, humiliate, or harm;
- 24
- 25 2. Physical or psychological intimidation;
- 26
- 27 3. Stated or implied threats;
- 28 4. Use of any language, written or unwritten, hand gestures or other forms of expression aimed at
29 defining a student in a sexual manner or impugning the character of a student based on

- 1 allegations of sexual promiscuity;
2
3 5. Assault of a student, whether physical, verbal, psychological, or emotional;
4
5 6. Attacks on personal property; and
6
7 7. Communication of any of the above, or an intent to undertake any of the above, whether made
8 in person or by electronic device.

9 Examples of acts which may be considered hazing include, but are not limited to:

- 10 1. Forced consumption of any drink, alcoholic beverage, drug or controlled substance;
11
12 2. Forced exposure to the elements;
13
14 3. Forced prolonged exclusion from social contact;
15
16 4. Sleep deprivation;
17
18 5. Forced requirement or encouragement of the wearing or carrying of any obscene or physically
19 burdensome article;
20
21 6. Assignment of pranks to be performed;
22
23 7. Other such activities intended to degrade, embarrass and ridicule, humiliate; and
24
25 8. Any other forced activity that could adversely affect the mental or physical health or safety of a
26 student, or staff member.

27 Acts may be found to be in violation of this policy whether they are committed in person, in writing,
28 through an agent or intermediary, or communicated or undertaken through electronic means.

29 **REPORTING AND INVESTIGATION PROCEDURE**

30 Each school shall have a reporting procedure which is easily accessed and readily understandable. A
31 bullying offense may be reported by any person.³ Anonymous reports may be made; however,
32 disciplinary action may not be taken solely on the basis of an anonymous report.

33 Reports shall be made to the Principal, an Assistant Principal or a teacher. All reports shall be promptly
34 forwarded to either the Principal or an Assistant Principal.⁴

35 Either the Principal or an Assistant Principal shall, within forty-eight (48) hours of receiving the report,
36 investigate and evaluate the merits of the report.

37 Following the investigation, but no later than twenty (20) calendar days from the date of the report, the
38 Principal or Assistant Principal shall:

- 39 1. Initiate any interventions that are appropriate, and

1 2. Make available to the students involved counseling and any other support services deemed
2 appropriate.

3 The Principal or Assistant Principal shall also notify the parents of the students involved, and shall
4 inform the parents that counseling and any other support services are available.

5 **PROHIBITION AGAINST FALSE CLAIMS**

6 Students and employees are prohibited from intentionally submitting a statement they know to be false
7 or intentionally falsely accusing another of bullying or bullying-related behavior. Any student or
8 employee violating this prohibition shall be disciplined.

9 **PROHIBITION AGAINST RETALIATION**

10 Retaliation against a victim, witness, or person with reliable information for reporting a bullying offense
11 or for providing information in any manner is strictly prohibited. Any student or employee violating this
12 prohibition shall be disciplined.

Legal References

1. TCA 49-6-4503
2. TCA 49-2-120
3. 20 USCA §§ 1681 to 1686
4. TCA 49-6-4503(c)(2)(B)

Cross References

Appeals to and Appearances Before the Board 1.404
Section 504 and ADA Grievance Procedures 1.802
Staff-Student Relations 5.610
Student Goals 6.100
Complaints and Grievances 6.305
Child Abuse and Neglect 6.409
Student Suicide Prevention 6.415

Williamson County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: Anti-Harassment	Descriptor Code: 6.304	Issued Date: 11/18/19
		Rescinds: 6.304	Issued: 03/19/18

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

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

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

7 **DEFINITIONS:** Included within policy.

8 **I. GENERAL STATEMENT OF POLICY**

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

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

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

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

27 Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section
28 504 of the Rehabilitation Act of 1973 require school districts to have officially adopted policy
29 statements of nondiscrimination on the basis of sex, disability, national origin, race or any other class
30 protected by law.

1 II. HARASSMENT DEFINED AND PROHIBITED

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

- 7 1. The harassing conduct is sufficiently severe, persistent or pervasive that it affects the ability of
8 the student or school personnel to participate in or benefit from the educational program or
9 activity or the work environment and/or creates an intimidating, threatening or abusive
10 environment.
- 11 2. The harassing conduct has the purpose or effect of substantially or unreasonably interfering
12 with an individual's academic or work performance.
13

14 III. SEXUAL HARASSMENT DEFINED AND PROHIBITED

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

- 18 1. Submission to that conduct or communication is made a term or condition, either explicitly or
19 implicitly, of obtaining or retaining employment, or of obtaining an education; or
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- 21 2. Submission to or rejection of that conduct or communication by an individual is used as a
22 factor in decisions affecting that individual's employment or education; or
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- 24 3. That conduct or communication has the purpose or effect of substantially or unreasonably
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27 perpetrated on any student or employee will be treated as sexual harassment under this policy.

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- 39 6. Demanding sexual favors accompanied by implied or overt threats concerning an individual's
40 employment or educational status;

- 1 7. Demanding sexual favors, especially when accompanied by implied or overt promises of
2 preferential treatment with regard to an individual's employment or educational status;
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7 including making and playing sexually explicit audio/video tapes;
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10 front of others;
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- 12 11. Sexual or "dirty" jokes; or
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- 14 12. Spreading rumors about or rating other students as to sexual activity or performance;
- 15
- 16 13. Written or electronic communication of a sexual nature that is unwanted and unwelcome; or
- 17
- 18 14. Circulating, displaying or creating emails, text messages, social media postings, or websites of
19 a sexual nature.

20 **IV. REPORTING PROCEDURES**

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

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

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

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

10 Submission of a complaint or report of harassment or sexual harassment will not affect the reporting
11 individual’s future employment, grades or work assignment.

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

16 **V. INVESTIGATION AND RECOMMENDATION**

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

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

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

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

39 The investigators conducting the investigation shall objectively gather facts and evidence to maintain a
40 neutral, impartial, and unbiased assessment. The investigation shall consist of, but not be limited to,

1 personal interviews with the complainant, the individual(s) against whom the complaint is filed, and
2 others who may have knowledge of the alleged incident(s) or circumstances giving rise to the
3 complaint. Both the complainant and the alleged harasser shall have opportunity to identify individuals
4 with knowledge of relevant circumstances and submit evidence during the course of the investigation
5 that supports their claims or defenses. The investigation shall also consist of any other methods and
6 documents deemed pertinent by the investigator.

7 In addition, school investigators are authorized to take immediate steps to protect the complainant,
8 students and employees pending completion of an investigation of alleged harassment or sexual
9 harassment. For example, as appropriate to the situation, school officials may take steps to separate the
10 complainant and the alleged harasser by adjusting class schedules, lunch schedules and extracurricular
11 activities, increasing security for the victim, limiting contact between the complainant and the alleged
12 harasser during the pendency of the investigation, providing counseling resources available through the
13 school or the school district, or taking other such proactive action as necessary to ensure protection of
14 the complainant and the alleged harasser pending completion of the investigation and thereafter.

15 Generally, an investigation will be completed within sixty days of commencement (or within sixty
16 days of authorization by law enforcement/DCS as outlined above). Should the investigation period
17 exceed sixty days, written notification to the complainant and the alleged harasser of the reason for the
18 delay shall be provided.

19 The Superintendent of Schools, Title IX Coordinator, or the Coordinator of Student and Employee
20 Relations shall keep the complainant and the alleged harasser informed of the status of investigation
21 process.

22 **VI. SCHOOL DISTRICT ACTION**

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

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

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

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

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

1 VII. REPRISAL

2 The Superintendent of Schools shall discipline any individual who retaliates against any person who
3 reports alleged incidents of harassment or sexual harassment (as defined in section II and III of this
4 policy) or who retaliates against any person who testifies, assists or participates in an investigation,
5 proceeding or hearing relating to a harassment or sexual harassment complaint. Retaliation includes,
6 but is not limited to, any form of intimidation, reprisal or harassment, which creates a hostile
7 environment.

8 VIII. RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES

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

15 IX. SEXUAL HARASSMENT AS SEXUAL ABUSE

16 Under certain circumstances, sexual harassment may constitute sexual abuse as defined under
17 Tennessee Law. In such situations, the school system shall comply with Tennessee Law regarding the
18 reporting of suspected abuse to appropriate authorities.

19 X. DISCIPLINE

20 Any action taken pursuant to this policy will be consistent with requirements of federal law, Tennessee
21 statutes, and school system policies. The Superintendent of Schools will take such disciplinary action
22 deemed necessary and appropriate.

23 XI. POLICY DISTRIBUTION

24 A copy of the foregoing policy and reporting procedure shall be published in the Board's Policy
25 Manual, shall be included in each student handbook published by the school system, and shall be
26 posted in a conspicuous place in each school building. Postings of the policy shall include the name(s)
27 of the person(s) to whom reports should be directed.

28 Staff Development and student education will be provided by the school system.

Cross References

Anti-Harassment 5.500
Complaints and Grievances 6.305

Williamson County Board of Education

Monitoring: Review: Annually, in March	Descriptor Term: <h2 style="text-align: center;">Student Discrimination, Harassment, Bullying, Cyber-bullying, and Intimidation</h2>	Descriptor Code: <h3 style="text-align: center;">6.304</h3>	Issued Date:
		Rescinds:	Issued:

1 In order to maintain a safe, civil, and supportive environment in school for students to learn and achieve
 2 high academic standards, acts of bullying, cyber-bullying, discrimination, harassment, intimidation,
 3 hazing, or any other victimization of students, based on any actual or perceived traits or characteristics,
 4 are prohibited.¹

5 This policy shall be disseminated annually to all school staff, students, and parent(s)/guardian(s).² This
 6 policy shall cover employees, employees' behaviors, students, and students' behaviors while on school
 7 property, at any school-sponsored activity, on school-provided equipment or transportation, or at any
 8 official school bus stop. If the act takes place off of school property or outside of a school-sponsored
 9 activity, this policy is in effect if the conduct is directed specifically at a student and has the effect of
 10 creating a hostile educational environment or otherwise creating a substantial disruption to the education
 11 environment or learning process.³

12 The principal/designee is responsible for educating and training respective staff and students as to the
 13 definition and recognition of discrimination/harassment.⁴

14 The Superintendent of Schools shall develop forms and procedures to ensure compliance with the
 15 requirements of this policy and state law.

16 **DEFINITIONS⁵**

17 “Bullying/Intimidation/Harassment” is an act that substantially interferes with a student’s educational
 18 benefits, opportunities, or performance, and that has the effect of:

- 19 1. Physically harming a student or damaging a student’s property;
- 20
- 21 2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to
- 22 the student’s property;
- 23
- 24 3. Causing emotional distress to a student; or
- 25
- 26 4. Creating a hostile educational environment.

27 Bullying, intimidation, or harassment may also be unwelcome conduct based on a protected class (race,
 28 nationality, origin, color, sex, age, disability, religion) that is severe, pervasive, or persistent and creates
 29 a hostile environment. Such conduct may include, but is not limited to, physical acts, gestures, graphics,
 30 or words, written or spoken.

1 “Cyber-bullying” is a form of bullying undertaken through the use of electronic devices. Electronic
2 devices include, but are not limited to, telephones, cellular phones or other wireless telecommunication
3 devices, text messaging, emails, social networking sites, instant messaging, videos, web sites, or fake
4 profiles.

5 “Hazing” is an intentional or reckless act by a student or group of students that is directed against any
6 other student(s) that endangers the mental or physical health or safety of the student(s) or that induces
7 or coerces a student to endanger his/her mental or physical health or safety. Coaches and other employees
8 of the school district shall not encourage, permit, condone, or tolerate hazing activities.⁶

9 Hazing does not include customary athletic events or similar contests or competitions and is limited to
10 those actions taken and situations created in connection with initiation into or affiliation with any
11 organization.

12 **COMPLAINTS AND INVESTIGATIONS**

13 Any individual who has knowledge of behaviors that may constitute a violation of this policy shall
14 promptly report such information to the principal/designee.⁷ For purposes of receiving a report under
15 this policy, the principal/designee shall make his/her contact information (name, address, phone number,
16 and email) available to students and parent(s)/guardian(s) at the beginning of each school year. Nothing
17 in this policy shall prohibit a student from pursuing a concurrent criminal complaint for harassing
18 conduct that could also constitute a criminal offense.

19 While reports may be made anonymously, an individual’s need for confidentiality shall be balanced with
20 obligations to cooperate with police investigations or legal proceedings, to provide due process to the
21 accused, to conduct a thorough investigation, or to take necessary actions to resolve a complaint. The
22 identity of parties and witnesses may be disclosed in appropriate circumstances to individuals with a
23 need to know.

24 The principal/designee at each school shall be responsible for investigating and resolving complaints.
25 Once a report is received, the principal/designee shall initiate an investigation within forty-eight (48)
26 hours of receipt of the report. If an investigation is not initiated within forty-eight (48) hours, the
27 principal/designee shall provide the Superintendent of Schools with appropriate documentation detailing
28 the reasons why the investigation was not initiated within the required timeframe.⁸ The
29 principal/designee shall immediately notify the parent(s)/guardian(s) when a student is involved in an
30 act of discrimination, harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall
31 provide information on district counseling and support services. Students involved in an act of
32 discrimination, harassment, intimidation, bullying, or cyber-bullying shall be referred to the appropriate
33 school counselor by the principal/designee when deemed necessary.⁹

34 The principal/designee is responsible for determining whether an alleged act constitutes a violation of
35 this policy, and such act shall be held to violate this policy when it meets one of the following conditions:

- 36 1. It places the student in reasonable fear or harm for the student’s person or property;
- 37
- 38 2. It has a substantially detrimental effect on the student’s physical or mental health;
- 39

- 1 3. It has the effect of substantially interfering with the student's academic performance; or
2
3 4. It has the effect of substantially interfering with the student's ability to participate in or benefit
4 from the services, activities, or privileges provided by a school.

5 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and
6 complete investigation of each alleged incident. All investigations shall be completed and appropriate
7 intervention taken within twenty (20) calendar days from the receipt of the initial report.⁸ If the
8 investigation is not complete or intervention has not taken place within twenty (20) calendar days, the
9 principal/designee shall provide the Superintendent of Schools with appropriate documentation detailing
10 the reasons why the investigation has not been completed or the appropriate intervention has not taken
11 place.⁸ Within the parameters of the federal Family Educational Rights and Privacy Act,¹⁰ a written
12 report on the investigation will be delivered to all involved parties and the Superintendent of Schools.

13 **RESPONSE AND PREVENTION**¹¹

14 The principal/designee shall consider the nature and circumstances of the incident, the age of the
15 individual, the degree of harm, previous incidences or patterns of behavior, or any other factors, as
16 appropriate, to properly respond to each situation.

17 A substantiated charge against an employee shall result in disciplinary action up to and including
18 termination. The employee may appeal this decision by contacting the Superintendent of Schools.

19 A substantiated charge against a student may result in corrective or disciplinary action up to and
20 including suspension. The student may appeal this decision in accordance with disciplinary policies and
21 procedures.

22 **REPORTS**

23 When a complaint is filed alleging a violation of this policy where there is physical harm or the threat of
24 physical harm to a student or a student's property, the principal/designee of each middle school or high
25 school shall report the findings and any disciplinary actions taken to the Superintendent of Schools and
26 the Chair of the Board.¹²

27 By July 1st of each year, the Superintendent of Schools/designee shall prepare a report of all of the
28 bullying cases brought to the attention of school officials during the prior academic year. The report shall
29 also indicate how the cases were resolved and/or the reasons they are still pending. This report shall be
30 presented to the Board at its regular July meeting, and it shall be submitted to the State Department of
31 Education by August 1st.¹³

32 **RETALIATION AND FALSE ACCUSATIONS**

33 Retaliation against any person who reports or assists in any investigation of an act alleged under this
34 policy is prohibited. The consequences and appropriate remedial action for a person who engages in
35 retaliation shall be determined by the principal/designee after consideration of the nature, severity, and
36 circumstances of the act.¹⁴

- 1 False accusations accusing another person of having committed an act prohibited under this policy are
- 2 prohibited. The consequences and appropriate remedial action for a person found to have falsely accused
- 3 another may range from positive behavioral interventions up to and including expulsion.¹⁵

Legal References

1. TCA 49-6-4503(a), (b)(1), (b)(3)
2. TCA 49-6-4503(b)(11)
3. TCA 49-6-4502(a)(3)(B)
4. TCA 49-6-4503(b)(12)
5. TCA 49-6-4503(b)(2)
6. TCA 49-2-120
7. TCA 49-6-4503(b)(5)
8. TCA 49-6-4503(b)(6)
9. TCA 49-6-4503(b)(14)
10. 20 USCA § 1232g
11. TCA 49-6-4503(b)(4), (7)-(8)
12. TCA 49-6-4503(d)(3)
13. TCA 49-6-4503(c)(2)(B)
14. TCA 49-6-4503(b)(9)
15. TCA 49-6-4503(b)(10)
16. 20 USCA §§ 1681 to 1686

Cross References

Appeals to and Appearances Before the Board 1.404
Section 504 and ADA Grievance Procedures 1.802
Title IX & Sexual Harassment 6.3041
Student Complaints and Grievances 6.305
Child Abuse and Neglect 6.409