

	MURFREESBORO CITY SCHOOL BOARD POLICY		
	Descriptor Term:	Descriptor Number:	Date Adopted:
	DISCRIMINATION/ HARASSMENT OF STUDENTS (SEXUAL, RACIAL, ETHNIC, RELIGIOUS)	STU 42	2/00
	Revision Adopted:		

Students shall be provided a learning environment free from sexual, racial, ethnic, and religious discrimination/harassment. It shall be a violation of this policy for anyone to discriminate against or harass a student through conduct or communication that is sexual, racial, ethnic, or religious in nature.

Student discrimination/harassment will not be tolerated. Discrimination/harassment is defined as conduct, gestures or words (either written or spoken) of a sexual, racial, ethnic or religious nature which:

1. Unreasonably interfere with the student's work or educational opportunities; or
2. Create an intimidating, hostile or offensive learning environment; or
3. Imply that submission to such conduct is made an explicit or implicit term of receiving grades or credit; or
4. Imply that submission to or rejection of such conduct will be used as a basis for determining the student's grades and/or participation in a student activity.

Students who believe themselves to be victims of sexual, racial, ethnic or religious discrimination/harassment shall report these incidents immediately to a teacher, counselor or building administrator. Witnesses to discrimination/harassment are strongly encouraged to report these incidents immediately. Allegations of discrimination/harassment shall be fully investigated by a student complaint manager.

The privacy and anonymity of all parties and witnesses to complaints will be respected. However, because an individual's need for confidentiality must be balanced with obligations to cooperate with police investigations and legal proceedings, to provide due process to the accused, to conduct a thorough investigation or to take necessary action to resolve a complaint, the identity of parties and witnesses may be disclosed in appropriate circumstances to individuals with a need to know.

A substantiated charge against an employee shall result in disciplinary action up to and including termination. A substantiated charge against a student may result in corrective or disciplinary action up to and including suspension.

There will be no retaliation against any person who reports harassment or participates in an investigation. However, anyone who refuses to cooperate or gives false information during the course of any investigation may be subject to disciplinary action. The willful filing of a false report will itself be considered harassment and will be treated as such.

An employee disciplined for violation of this policy may appeal the decision by contacting the Federal Rights Coordinator or the Director of Schools. Any student disciplined for violation of this policy may appeal the decision in accordance with disciplinary policies and procedures.

This policy shall be published in the parent/student handbook distributed annually to every student. Building administrators are responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.

DISCRIMINATION/HARASSMENT GRIEVANCE PROCEDURES

FILING A COMPLAINT

1. Any student of this school system who wishes to file a discrimination/harassment grievance against another student or an employee of the system may file a written or oral (recorded, if possible) complaint with a student complaint manager. Students may also report an allegation of discrimination/harassment to any teacher or other adult employed in the school who shall inform a student complaint manager of the allegation. The complaint should include the following information:
 - A. Identity of the alleged victim and person accused;
 - B. Location, date, time and circumstances surrounding the alleged incident;
 - C. Description of what happened;
 - D. Identity of witnesses; and
 - E. Any other evidence available.

2. INVESTIGATION

Within twenty-four hours of receiving the student's complaint, the student complaint manager shall notify the complaining student's parent/guardian and the principal who shall inform the Director of Schools. The parent/guardian shall be given notice of the right to attend an interview of the student in a non-intimidating environment in order to elicit full disclosure of the student's allegations. This interview shall take place within five (5) work days from the time the complaint was first made. If no parent/guardian attends the interview, another adult, mutually agreed upon by the student and the student complaint manager, shall attend and may serve as the student's advocate. After a complete investigation, if the allegations are substantiated, immediate and appropriate corrective or disciplinary action shall be initiated. The complaint and identity of the complainant will not be disclosed except (1) as required by law or this policy; or (2) as necessary to investigate the complaint, or (3) as authorized by the complainant. A school representative will meet with and advise the complainant regarding the findings, and whether

corrective measures and/or disciplinary action were taken. The investigation and response to the complaint will be completed within thirty (30) school days. Copies of the report will be sent to the student, principal, Federal Rights Coordinator and Director of Schools. One copy shall be kept in the student complaint manager's file for one (1) year beyond the student's eighteenth (18th) birthday. The Director of Schools shall keep the Board informed of all complaints.

3. DECISION AND APPEAL

If the complainant is not in agreement with the findings of fact as reported by the student complaint manager, an appeal may be made, within five (5) work days, to the Director of Schools. The Director of Schools will review the investigation, make any corrective action deemed necessary and provide a written response to the complainant. If the complainant is not in agreement with the Director of Schools' findings of fact, a written appeal may be made to the Board of Education within five (5) work days. The Board shall within thirty (30) days from the date the appeal was received, review the investigation and the actions of the Director of Schools and may support, amend or overturn the actions based upon review and report their decision in writing to the complainant. This complaint procedure shall not be construed to create an independent right to a Board hearing.

APPOINTING COMPLAINT MANAGERS

The Director of Schools shall appoint at least two student complaint managers, one of each gender for each school. The Federal Rights Coordinator may serve as a student complaint manager. The Director of Schools shall identify the names, addresses and telephone numbers of current managers who are responsible for coordinating the system's compliance efforts.

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Legal References:

Title VII; 29 CFR 1604.11
Title IX (20 U.S.C. 1681-1686)
Title IX, Education Amendment of 1972, 20 U.S.C. 1681, et seq.
Title IX, Education Amendment of 1972,
20 U.S.C. 1681, et seq.
Title VII; 29 CFR 1604.11