

	MURFREESBORO CITY SCHOOL BOARD POLICY		
	Descriptor Term: DISCRIMINATION/ HARASSMENT OF EMPLOYEES (SEXUAL, RACIAL, ETHNIC, RELIGIOUS)	Descriptor Number: PER 35	Date Adopted: 3/93
		Revision Adopted: 11/99; 2/00; 9/01	

All employees shall be provided a work 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 an employee through conduct or communication that is sexual, racial, ethnic, or religious in nature. The following guidelines are set forth to protect employees from discrimination/harassment.

Employee 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 interferes with the individual's work or performance; or
2. Create an intimidating, hostile or offensive work environment; or
3. Imply that submission to such conduct is made an explicit or implicit term of employment;
4. Imply that submission or rejection of such conduct will be used as a basis for an employment decision affecting the harassed employee.

Persons who believe themselves to be victims of sexual, racial, ethnic or religious discrimination/harassment shall report these incidents immediately. Witnesses to discrimination/harassment are strongly encouraged to report these incidents immediately. This report shall be made to the immediate supervisor except when the immediate supervisor is the offending party. If the immediate supervisor is the offending party, the report may be made to the Federal Rights Coordinator or Director of Schools. Allegations of discrimination/harassment shall be fully investigated. An oral complaint may be submitted, however, such complaint should be reduced to writing to ensure a more complete investigation. The complaint should include the following information:

- Identity of the alleged victim and person accused;
- Location, date, time and circumstances surrounding the alleged incident;
- Description of what happened;
- Identity of witness; and
- Any other evidence available.

The privacy and anonymity of all parties and witnesses to complaints will be respected. However, because of an individual's need for confidentiality must be balanced with obligations to cooperate with police investigations or 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 the 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 discrimination/harassment or participates in an investigation. However, any employee 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.

DISCRIMINATION/HARASSMENT GRIEVANCE PROCEDURE

Employees shall notify a complaint manager if they believe the Board, its employees or agents have violated their rights guaranteed by the state or federal Constitution, state or federal statutes or Board policy including:

1. Title II of the Americans with Disabilities Act
2. Title IX of the Education Amendments of 1972
3. Section 504 of the Rehabilitation Act of 1973
4. Claims of sexual harassment under Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972

The complaint manager may endeavor to respond and resolve complaints before a written complaint is filed. If a complaint is filed, the complaint manager shall address the complaint promptly and equitably. The right of a person to prompt an equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies. Use of this complaint procedure is not a prerequisite to the pursuit of other remedies and use of this complaint procedure does not extend any filing deadline related to the pursuit of other remedies.

1. FILING A COMPLAINT

Any employee who wishes to avail himself or herself of this complaint procedure may do so by filing a complaint with the complaint manager. The employee may request a complaint manager of the same sex. The complaint manager may request the employee to provide a written statement regarding the nature of the complaint. The complaint manager may assist the employee in preparing the written complaint.

2. INVESTIGATION

The complaint manager will investigate the complaint or appoint a qualified person to undertake the investigation on his or her behalf. 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 fully investigate the complaint; or (3) as authorized by the complainant. The complaint manager shall file a written report within ten (10) school days of the filing of the complaint, of his or her findings with the Director of Schools. If a complaint of

harassment contains allegations against the Director of Schools, the written report shall be filed with the Board. The Director of Schools shall keep the Board informed of all complaints.

3. DECISION AND APPEAL

After receipt of the complaint manager's report, the Director of Schools shall render a written decision within five (5) work days of the receipt of the report which shall be provided to the employee. If the employee is not satisfied with the decision, the employee may appeal the decision to the Board within five (5) work days by making a written request to the complaint manager. The complaint manager shall be responsible for promptly forwarding all materials relative to the complaint and appeal to the Board. Thereafter, the Board shall within thirty (30) days from the date the appeal was received review the report and affirm, overrule or modify the decision and render a finding which shall be provided to the complainant. This complaint procedure shall not be construed to create an independent right to a Board hearing.

4. APPOINTING COMPLAINT MANAGERS

The Director of Schools shall appoint at least two complaint managers, one of each gender. The Director of Schools shall publicize the names, addresses and telephone numbers of current complaint managers.

Legal References:

Title VII; 29 CFR 1604.11
Title IX (20 U.S.C. 1681-1686)
Age Discrimination Employment Act,
29 U.S.C. 621
Americans with Disabilities Act,
42 U.S.C. 12101 et seq.
Equal Pay Act, 29 U.S.C. 206(d)
Immigration Reform and Control Act,
8 U.S.C. 1324a et seq.
Rehabilitation Act, 29 U.S.C. 791 et seq.
Title VII of the Civil Rights Act,
42 U.S.C. 2000e, et seq.
Title IX of the Education Amendments,
20 U.S.C. 1681, et seq.