

<u>Section:</u> Human Resources	Knox County Board of Education Policy		
	Sexual Harassment and Sex-Based Discrimination	Descriptor Code:	Issued:
		C-260	7/23
		Reviewed:	Revised:
		2/24	

PURPOSE

Knox County Schools does not discriminate on the basis of sex in its education programs and activities. The purpose of this policy is to prohibit sexual harassment and sex-based discrimination and outline guidelines for identifying, addressing, and disciplining sexual harassment and sex-based discrimination.

SCOPE

This policy applies to all Knox County School students, district employees, and other third parties as it relates to interactions with or between students.

DEFINITIONS

Title IX of the Education Amendments of 1972 (Title IX) specific definitions:

1. **Complainant** is an individual who is alleged to be the victim of conduct that could constitute a violation of this policy.
2. **Respondent** is an individual who has been reported to be the perpetrator of conduct that could constitute a violation of this policy.
3. **Discrimination** means unlawful treatment, including harassment and sexual misconduct, toward an individual based on classifications protected by state and federal laws which includes but is not limited to discrimination based on sex.
4. **Formal Complaint** means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the District investigate the allegation of sexual harassment. The formal complaint must contain the complainant's physical or digital signature. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the District with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail.
5. **Sexual harassment** means conduct on the basis of sex that satisfies one or more of the following:
 - a. An employee of the District conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct;
 - b. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the District's education program or activity;

c. Activity that meets the definitions of sexual assault as defined in 20 U.S.C 1092(f)(6)(A)(v), dating violence as defined in 34 U.S.C. 12291(a)(10), domestic violence as defined in 34 U.S.C. 12291(a)(8), or stalking as defined in 34 U.S.C. 12292(a)(30).

d. Behaviors that constitute sexual harassment may include, but are not limited to:

1. Sexually suggestive remarks;
2. Verbal harassment or abuse;
3. Sexually suggestive pictures;
4. Sexually suggestive gesturing;
5. Harassing or sexually suggestive or offensive messages which are written and/or electronic;
6. Subtle or direct propositions for sexual favors; and
7. Touching of a sexual nature.

6. **Supportive Measures** means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the District's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, restrictions on contact between the parties, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The District must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the District to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

REPORTING

Alleged victims of sexual harassment or sex-based discrimination, or their parents or legal guardians, shall report these incidents immediately to the Principal, building level administrator, or Title IX Coordinator. Any reports made to staff should be forwarded to the Principal or building level administrator immediately but no later than 24 hours of the expressed concern. Anonymous reports may be made; however, disciplinary action may not be based solely on an anonymous report. Formal complaints of sexual harassment may be filed with the Title IX Coordinator in person, via mail, or electronic mail at the contact information listed in the following link: <https://www.knoxschools.org/hr>.

Any employee or member of the board of education who has knowledge of sexual harassment or allegations of sexual harassment occurring in the education program, any activity of the school system, or the work environment must report that information immediately to the Title IX Coordinator.

GRIEVANCE PROCESS

The District shall establish a Title IX grievance procedure to resolve Title IX complaints adequately, reliably, impartially, and promptly. The Title IX grievance procedure shall be updated and published on the District's website in accordance with Title IX requirements.

Legal References:

1. 34 CFR § 106 et seq.
2. 20 U.S.C. § 1092.
3. 34 U.S.C. § 12291.

Cross References:

- Knox County Board of Education Policies G-220, J-110, J-210, J-211.

Approved as to Legal Form

By Knox County Law Director 1/11/2024

/Gary T. Dupler/Deputy Law Director