

# McNairy County Board of Education

Monitoring:

Review: Annually,  
in April

Descriptor Term:

**Discrimination/Harassment of  
Students  
(Sexual, Racial, Ethnic, Religious)**

Descriptor Code:

6.304

Issued Date:

12/10/98

Rescinds:

Issued:

1 Students shall be provided a learning 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 a student through disparaging conduct or communication that is sexual,  
4 racial, ethnic or religious in nature. The following guidelines are set forth to protect students from  
5 discrimination/harassment.

6  
7 Student discrimination/harassment will not be tolerated.<sup>1</sup> Discrimination/harassment is defined as conduct,  
8 advances, gestures or words either written or spoken of a sexual, racial, ethnic or religious nature which:

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

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17 Alleged victims of sexual, racial, ethnic and religious discrimination/harassment shall report these inci-  
18 dents immediately to a teacher, counselor or building administrator.<sup>2</sup> Allegations of discrimination/  
19 harassment shall be fully investigated by a complaint manager (as set forth in *Student Concerns,*  
20 *Complaints and Grievances 6.305*).

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

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

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

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

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

- 41 1. TCA 49-6-3109
- 42 2. Title VII; 29 CFR §1604.11;  
43 *Davis v. Monroe County Board of Education*, No. 97-843  
44 (U.S. Sup. Ct. May 24, 1999)
- 45 3. Title IX (20 U.S.C. §§ 1681-1686)

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Cross References:

46 Appeals To & Appearances Before the Board 1.404