

**POLICY REF: JTH**

**STUDENT COMPLAINTS OF BULLYING OR HARASSING BEHAVIOR**

Students and employees in the Claiborne County School District are protected from bullying or harassing behavior by other students or employees. It is the intent of the Board and the administration to maintain an environment free from bullying and harassing behavior. This complaint procedure provides a process for filing, processing and resolving complaints of such conduct. Adherence to these procedures is mandatory. The failure of any person to follow these procedures will constitute a waiver of the right to pursue a complaint at any level, including review by the Board.

**I. Definitions**

Bullying or harassing behavior is any pattern of gestures or written, electronic or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic that (a) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property, or (b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's educational performance, opportunities or benefits.

A "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

Bullying or harassing behavior will not be condoned or tolerated when it takes place on school property, at any school-sponsored function, or on a school bus, or when it takes place off school property when such conduct, in the determination of the school superintendent or principal, renders the offending person's presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole.

**II. Procedures for Processing a Complaint**

Any student, school employee or volunteer who feels he/she has been a victim of bullying or harassing behavior, or has witnessed or who has reliable information that a student, school employee or volunteer has been subject to bullying or harassing behavior shall report such conduct to a teacher, principal, counselor or other school official. The report shall be made promptly but no later than five (5) calendar days after the alleged act or acts occurred. The school official shall complete a "Bullying/Harassing Behavior" complaint form which shall include the name of the reporting person, the specific nature and date of the misconduct, the names of the victim of the misconduct, the names of any witnesses and any other information that would assist in the investigation of the complaint. The report shall be given promptly to the principal or superintendent who shall institute an immediate investigation. Complaints against the principal shall be made to the superintendent and complaints against the superintendent shall be made to the Board chairman.

The complaint shall be investigated promptly. Parents will be notified of the nature of any complaint involving their student. The District official will arrange such meetings as may be necessary with all concerned parties within five (5) working days after initial receipt of the complaint by the District. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The District official conducting the investigation shall notify the victim and parents as appropriate when the investigation is completed and a decision regarding disciplinary action, as warranted, is determined.

If the victim is not satisfied with the decision of the District official, he/she may submit a written appeal to the superintendent. Such appeal shall be filed within ten (10) working days after receipt of the results of the initial decision. The superintendent will arrange such meetings with the victim and other affected parties as deemed necessary to discuss the appeal. The superintendent shall provide a written decision to the victim's appeal within ten (10) working days.

If the victim is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board. Such appeal shall be filed within ten (10) working days after receipt of the decision of the superintendent. The Board shall, within twenty (20) working days, allow the victim and parents as appropriate to appear before the Board to present reasons for dissatisfaction with the decision of the superintendent. The Board shall provide a written decision within ten (10) working days following the victim's appearance before the Board.