

Hamilton County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Discrimination/Harassment/ Hazing and Bullying/Intimidation	Descriptor Code: 6.304	Issued Date: 11/15/12
		Rescinds: 6.304	Issued: 11/16/17

1 **Hamilton County Board of Education’s Expectation of Student Conduct**

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3 The Hamilton County Board of Education expects all students to treat each other with civility and respect
4 and not to engage in behavior that is disruptive or violent. Hamilton County students are expected to
5 behave in a way that does not interrupt the education of other students.
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7 This policy addresses conduct taking place on school grounds, at any school-sponsored activity, on
8 school-provided transportation, or at any official school bus stop immediately before boarding and
9 immediately following deboarding.¹ This policy also addresses any conduct taking place off of school
10 property or outside of the school sponsored activity if this conduct is directed at a specific student or
11 students and has the effect of either creating a hostile educational environment or substantially
12 disrupting the educational environment or learning process.
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14 **Hamilton County Board of Education’s Commitment**

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16 The Hamilton County Board of Education is fully committed to providing a safe and orderly learning
17 environment for all students in order for them to achieve academic success. This environment shall be
18 free from discrimination, harassment, sexual harassment, hazing, bullying or cyber-bullying.
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20 The Hamilton County Board of Education will not tolerate acts of discrimination, harassment, sexual
21 harassment, hazing, bullying, or cyber-bullying toward students by other students or staff. In addition,
22 the Board of Education will not tolerate conduct aimed at defining a student in a sexual manner, and
23 conduct impugning the character of a student based on allegations of sexual promiscuity.
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25 **Discrimination and Harassment**

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27 It shall be a violation of this policy for any employee or any student to discriminate against or harass
28 another student on the basis of sex, gender identity, race, ethnicity, disability, or religion.² Discrimination
29 and harassment will not be tolerated.³
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31 For purposes of this policy, discrimination and harassment include words, gestures, threats, or any other
32 conduct that is severe or pervasive and that creates a hostile environment that substantially interferes
33 with or limits a student’s ability to participate in or benefit from services, activities, or opportunities
34 offered by a school.
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5 Examples of discrimination and harassment include any act that, alone or in combination with other
6 acts, has the effect of:

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- 8 1. Unreasonably interfering with the student's work or educational opportunities; or
- 9 2. Creating an intimidating, hostile or offensive learning environment; or
- 10 3. Implying that submission to such conduct is made an explicit or implicit term of
- 11 receiving grades or credit; or
- 12 4. Implying that submission to or rejection of such conduct will be used as a basis for
- 13 determining the student's grades and/or participation in a student activity; or
- 14 5. Defining a student in a sexual manner; or
- 15 6. Impugning the character of a student based on allegations of sexual promiscuity.
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17 **Bullying, Cyber-Bullying, and Hazing**

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19 It shall be a violation of this policy for any student to bully or haze another student whether directly,
20 through a third party, or through the use of electronic devices such as text messages or posts on social
21 media sites.

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23 For purposes of this policy, bullying includes any act that substantially interferes with a student's
24 educational benefits, opportunities or performance. If the act occurs on school grounds, on a school
25 sponsored activity, on school sponsored transportation or at a school designated bus stop, it is bullying
26 if it has the effect of harming a student or damaging his or her property; knowingly placing a student in
27 reasonable fear of harm to the student or to his or her property; causing emotional distress to the student;
28 or creating a hostile educational environment. If the act occurs off school property or outside of any
29 school sponsored activity, it is nevertheless bullying if it is directed at a specific student or students and
30 has the effect of creating a hostile educational environment or a substantial disruption to the educational
31 environment or the learning process.

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33 Cyber-bullying is bullying that takes place using electronic technology. Electronic technology includes
34 devices and equipment such as cell phones, computers, and tablets, as well as communication tools
35 including social media sites, text messages, chat, and websites. Examples may include inappropriate text
36 messages or emails, rumors sent by email or posted on social network sites, and embarrassing pictures,
37 videos, websites, or fake profiles.

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39 Hazing is any act intended or reasonably expected to endanger the physical or mental health of a
40 student or students, or to humiliate, intimidate or demean a student or students in connection with joining
41 or maintaining membership in any team or organization affiliated with any school or school program.

42 **Procedures**

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45 Victims of or witnesses to discrimination, harassment, bullying, cyber-bullying, or hazing shall report
46 these incidents immediately to a teacher, counselor, building administrator, or anonymously on the Quick
47 Tip link located on the Hamilton County Department of Education website.⁴ The willful filing of a false
48 report will itself be considered harassment and/or bullying and will be treated as such.
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2 Any staff member who witnesses any action that may be a violation of this policy or who receives any
3 report of any alleged conduct that would constitute a violation of this policy must report to the principal/
4 designee as quickly as possible, but in no event more than 24 hours after receiving the report.
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6 If the principal is involved in the incident or if the adult/student is uncomfortable reporting the incident
7 to the principal/designee of the school, the following reporting options can be used:
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- 9 • Title VI Coordinator, Title VI of the Civil Rights Act of 1964 (race, color, national origin)
10 423-498-7021
- 11 • Title IX Coordinator, Title IX of the Education Act of 1972 (sex) 423-498-7221
- 12 • 504 Coordinator, Section 504 of the Rehabilitation Act of 1973 (disability) 423-498-7082
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14 All allegations shall be fully investigated by a building administrator and/or school official. Investigations
15 must commence as soon as possible but in no event more than 48 hours after the report. Investigations
16 must be resolved within 20 days of the report.
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18 Every building administrator shall record complaints of discrimination, harassment, bullying, cyber-
19 bullying, and hazing and shall document how the administrator or other school officials responded to each
20 complaint and the final disposition of each complaint. Administrators may not take disciplinary action
21 based solely upon anonymous complaints.
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23 At the end of each school quarter, each building administrator shall send a report summarizing
24 complaints of discrimination, harassment, bullying, cyber-bullying, and hazing to the Director of Schools.
25 Each building administrator is expected to be aware of trends in his or her school and to investigate
26 and respond accordingly.
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28 Even when a complaint has not been reported anonymously, the confidentiality of all parties and
29 witnesses will be respected. However, because confidentiality must be balanced against the school
30 system's obligation to cooperate with police investigations or legal proceedings, to provide due process
31 to the accused, to conduct a thorough investigation, or to take necessary action to resolve a complaint,
32 the identity of parties and witnesses, when known by school system officials, may be disclosed in
33 appropriate circumstances to agencies and persons with a need to know.
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35 There will be no retaliation against any person who reports harassment or participates in an
36 investigation. However, any employee who refuses to cooperate or gives false information during the
37 course of any investigation may be subject to disciplinary action.
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39 Building administrators are responsible for educating and training their respective staff and students as
40 to the terms of this policy and the procedures for reporting discrimination, harassment, bullying,
41 cyber-bullying, and hazing.
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43 At the start of every school year, this policy should be reviewed through the Code of Acceptable Conduct
44 with Students acknowledging having read it and/or parents indicating having explained it to their child.
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Consequences

For students, a substantiated charge of discrimination, harassment, bullying, cyber-bullying, and hazing may result in consequences ranging from behavioral interventions to suspension or expulsion. Additionally, acts of discrimination, harassment, bullying, cyber-bullying, and hazing may also be prosecuted as criminal acts under the laws of the State of Tennessee.

The following factors will be considered in determining the consequences and appropriate remedial action:

- The developmental level and maturity levels of the parties involved;
- The levels of harm as determined by the student's ability to be educated in a safe and orderly environment;
- The surrounding circumstances;
- The nature of the behavior(s)
- Past incidences or continuing patterns of behavior;
- The relationships between the parties involved; and
- The context in which the alleged incidents occurred.

For employees, a substantiated charge shall result in disciplinary action up to and including termination. Additionally, acts of discrimination, harassment, bullying, cyber-bullying, and hazing may also be prosecuted as criminal acts under the laws of the State of Tennessee.

1. TCA § 49-6-4501-4506
2. TCA § 49-6-3109
3. Title VII; 29 CFR §1604.11;
Davis v. Monroe County Board of Education,
No. 97-843 Board 1.404
(U.S. Sup. Ct. May 24, 1999)
4. Title IX (20 U.S.C §§1681-1686)

Cross References:
Appeals To & Appearances Before the