

# Oneida Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Student Discrimination/Harassment and Bullying/Intimidation and Cyberbullying</b>	Descriptor Code: <b>6.304</b>	Issued Date: <b>03/07/13</b>
		Rescinds: <b>6.304</b>	Issued: <b>03/01/12</b>

1 The Oneida Board of Education has determined that a safe, civil, and supportive environment in school is  
2 necessary for students to learn and achieve high academic standards. In order to maintain that environment,  
3 acts of bullying, cyber-bullying, discrimination, harassment, hazing or any other victimization of students,  
4 based on any actual or perceived traits or characteristics, are prohibited.<sup>1</sup>

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6 This policy shall be disseminated annually to all school staff, students, and parents. This policy shall  
7 cover employees, employees' behaviors, students and students' behaviors while on school property, at  
8 any school-sponsored activity, on school-provided equipment or transportation, or at any official school  
9 bus stop. If the act takes place off school property or outside of a school-sponsored activity, this policy  
10 is in effect if the conduct is directed specifically at a student or students and has the effect of creating a  
11 hostile educational environment or otherwise creating a substantial disruption to the education environment  
12 or learning process.

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14 Building administrators are responsible for educating and training their respective staff and students as  
15 to the definition and recognition of discrimination/harassment.

## 16 **DEFINITIONS**

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19 *Bullying/Intimidation/Harassment* - An act that substantially interferes with a student's educational  
20 benefits, opportunities, or performance, and the act has the effect of:

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- 22 • Physically harming a student or damaging a student's property;
- 23 • Knowingly placing a student or students in reasonable fear of physical harm to the
- 24 student or damage to the student's property;
- 25 • Causing emotional distress to a student or students; or
- 26 • Creating a hostile educational environment.
- 27

28 Bullying, intimidation, or harassment may also be unwelcome conduct based on a protected class (race,  
29 nationality, origin, color, gender, age, disability, religion) that is severe, pervasive, or persistent and  
30 creates a hostile environment.

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32 *Cyber-bullying* - A form of bullying undertaken through the use of electronic devices. Electronic devices  
33 include, but are not limited to, telephones, cellular phones or other wireless telecommunication devices,  
34 text messaging, emails, social networking sites, instant messaging, videos, web sites or fake profiles.

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36 *Hazing* - An intentional or reckless act by a student or group of students that is directed against any  
37 other student(s) that endangers the mental or physical health or safety of the student(s) or that induces or  
38 coerces a student to endanger his/her mental or physical health or safety. Coaches and other employees  
39 of the school district shall not encourage, permit, condone or tolerate hazing activities.<sup>3</sup>

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41 "Hazing" does not include customary athletic events or similar contest or competitions and is limited

1 to those actions taken and situations created in connection with initiation into or affiliation with any  
2 organization.

### 3 4 **COMPLAINTS AND INVESTIGATIONS**

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6 Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher,  
7 counselor or building administrator.<sup>2</sup> All school employees are required to report alleged violations of  
8 this policy to the principal/designee. All other members of the school community, including students,  
9 parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.

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11 While reports may be made anonymously, an individual's need for confidentiality must be balanced with  
12 obligations to cooperate with police investigations or legal proceedings, to provide due process to the  
13 accused, to conduct a thorough investigation or to take necessary actions to resolve a complaint, and  
14 the identity of parties and witnesses may be disclosed in appropriate circumstances to individuals with  
15 a need to know.

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17 The principal/designee at each school shall be responsible for investigating and resolving complaints.  
18 The principal/designee is responsible for determining whether an alleged act constitutes a violation of this  
19 policy, and such act shall be held to violate this policy when it meets one of the following conditions:

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21 • It places the student in reasonable fear or harm for the student's person or property;
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23 • It has a substantially detrimental effect on the student's physical or mental health;
- 24  
25 • It has the effect of substantially interfering with the student's academic performance; or
- 26  
27 • It has the effect of substantially interfering with the student's ability to participate in or  
28 benefit from the services, activities, or privileges provided by a school.

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30 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and  
31 complete investigation of each alleged incident. Within the parameters of the federal Family Educational  
32 Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g, a written report on the investigation will be  
33 delivered to the parents of the complainant, parents of the accused students and to the Director of Schools.

### 34 35 **RESPONSE AND PREVENTION**

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37 School administrators shall consider the nature and circumstances of the incident, the age of the violator,  
38 the degree of harm, previous incidences or patterns of behavior, or any other factors, as appropriate to  
39 properly respond to each situation.

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41 A substantiated charge against an employee shall result in disciplinary action up to and including ter-  
42 mination. A substantiated charge against a student may result in corrective or disciplinary action up to  
43 and including suspension.

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46 An employee disciplined for violation of this policy may appeal the decision by contacting the Director  
47 of Schools. Any student disciplined for violation of this policy may appeal the decision in accordance  
48 with disciplinary policies and procedures.

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**REPORTS**

When a complaint is filed alleging a violation of this policy where there is physical harm or the threat of physical harm to a student or a student's property, the principal/designee of each middle school, junior high school, or high school shall report the findings and any disciplinary actions taken to the director of schools and the chair of the board of education.

By July 1 of each year, the director of schools/designee shall prepare a report of all of the bullying cases brought to the attention of school officials during the prior academic year. The report shall also indicate how the cases were resolved and/or the reasons they are still pending. This report shall be presented to the board of education at its regular July meeting, and it shall be submitted to the state department of education by August 1.

The director of schools shall develop forms and procedures to ensure compliance with the requirements of this policy and TCA 49-6-1016.

**RETALIATION AND FALSE ACCUSATIONS**

Retaliation against any person who reports or assists in any investigation of an act alleged in this policy is prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

False accusations accusing another person of having committed an act prohibited under this policy are prohibited. The consequences and appropriate remedial action for a person found to have falsely accused another may range from positive behavioral interventions up to and including suspension and expulsion.

Legal References: \_\_\_\_\_

- 1. TCA 49-6-1016
- 2. Title IX (20 U.S.C. §§ 1681-1686)
- 3. TCA 49-2-120

Cross References: \_\_\_\_\_

- Appeals To & Appearances Before the Board 1.608
- Staff-Student Relations 5.610
- Student Complaints and Grievances 6.305