

# Bedford County Board of Education

Monitoring:  Review: Annually, in April	Descriptor Term:  <b>Student Discrimination, Harassment, Bullying, Cyber-bullying and Intimation</b>	Descriptor Code: <b>6.304</b>	Issued Date: <b>06/19/18</b>
		Rescinds: <b>6.304</b>	Issued: <b>06/21/16</b>

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

6 It is the policy of the Bedford County Board of Education not to discriminate on the basis of sex, race,  
7 national origin, creed, age, marital status or disability in its educational programs, activities or  
8 employment policies as required by Title VI and VII of the 1964 Civil Rights Act, Title IX of the 1972  
9 Educational Amendments and Section 504 of the Federal Rehabilitations Act of 1973.

10 Accordingly, students shall be provided a learning environment free from sexual, racial, ethnic,  
11 disability and religious discrimination/harassment. It shall be a violation of this policy for any  
12 employee or any student to discriminate against or harass a student through disparaging conduct or  
13 communication that is sexual, racial, ethnic, disability related or religious in nature. It shall also be a  
14 violation of this policy for any teacher, administrator, or other school personnel to tolerate  
15 discrimination/harassment against any student.<sup>2</sup>

16 This policy shall be disseminated annually to all school staff, students and parents. This policy shall  
17 cover employees, employees' behaviors, students and students' behaviors while on school property, at  
18 any school-sponsored activity, on school-provided or personal equipment or transportation, or at any  
19 official school bus stop immediately before boarding and immediately following de-boarding, if the act  
20 either physically harms a student or damages his/her property, or knowingly places the student in  
21 reasonable fear of such, causes emotional distress to a student or students, or creates a hostile  
22 educational environment. If the act takes place off school property or outside of a school-sponsored  
23 activity, this policy is in effect if the conduct is directed specifically at a student or students and has the  
24 effect of creating a hostile educational environment or otherwise creating a substantial disruption to the  
25 education environment or learning process. These acts may also take place through electronic means.<sup>3</sup>

26 Building administrators are responsible for educating and training their respective staff and students as  
27 to the definition and recognition of violations of this policy.

## 28 DEFINITIONS

29 Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written  
30 statements, which may include use of cellular telephones or the Internet; or other conduct that may be  
31 physically threatening, harmful or humiliating. Harassment does not have to include intent to harm, be

1 directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment  
2 when the conduct is sufficiently severe, pervasive, or persistent so as to interfere with or limit a  
3 student's ability to participate in or benefit from the services, activities, or opportunities offered by  
4 Bedford County Schools.

5 Discrimination or harassment may be conduct, advances, gestures or words, either written or spoken,  
6 of a sexual, racial, ethnic, religious nature or disability related, which:

- 7 1. Unreasonably interferes with the student's work or education opportunities; or
- 8
- 9 2. Creates an intimidating, hostile or offensive learning environment; or
- 10
- 11 3. Implies that submission to such conduct is made an explicit or implicit term of receiving grades  
12 or credit; or
- 13
- 14 4. Implies 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.

16 Bullying or intimidation may be defined as any act that substantially interferes with a student's  
17 educational benefits, opportunities, or performance, and the act has the effect of:

- 18 1. Physically harming a student or damaging a student's property;
- 19
- 20 2. Knowingly placing a student or students in reasonable fear of physical harm to the student or  
21 damage to the student's property;
- 22
- 23 3. Causing emotional distress to a student or students; or
- 24
- 25 4. Creating a hostile educational environment.

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

29 Cyberbullying is a form of bullying undertaken through the use of electronic devices. Electronic  
30 devices include, but are not limited to, telephones, cellular phones or other wireless telecommunication  
31 devices, text messaging, email, social networking sites, instant messaging, videos, web sites or fake  
32 profiles.

33 Hazing is an intentional or reckless act by a student or group of students that is directed against any  
34 other student(s) that endangers the mental or physical health or safety of the student(s) or that induces  
35 or coerces a student to endanger his/her mental or physical health or safety. Coaches and other  
36 employees of the school district shall not encourage, permit, condone or tolerate hazing activities.<sup>4</sup>  
37 "Hazing" does not include customary athletic events or similar contests or competitions and is limited  
38 to those actions taken and situations created in connection with initiation into or affiliation with any  
39 organization.

## 1 COMPLAINTS AND INVESTIGATIONS

2 Alleged victims of sexual, racial, ethnic, disability and religious discrimination or harassment or  
3 bullying or intimidation or cyberbullying shall report these incidents immediately to a teacher,  
4 counselor, or building administrator.<sup>5</sup> Likewise, alleged victims of gender based discrimination in the  
5 school system's athletic programs shall report such matter(s) immediately to a coach, teacher,  
6 counselor or building administrator. All complaints related to gender based discrimination in athletic  
7 programs will be filed and administered in accordance with this policy.

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

13 The principal/designee at each school shall be responsible for investigating and resolving complaints.  
14 Once a complaint is received, the principal/designee shall initiate an investigation within forty-eight  
15 (48) hours of receipt of the report.<sup>5</sup> If a report is not initiated within forty-eight (48) hours, the  
16 principal/designee shall provide the Superintendent of Schools with appropriate documentation  
17 detailing the reasons why the investigation was not initiated within the required timeframe.<sup>5</sup>

18 The principal/designee shall notify the parent/legal guardian within twenty-four (24) hours when a  
19 student is involved in an act of discrimination, harassment, intimidation, bullying, or cyberbullying.  
20 The principal/designee shall provide information on district counseling and support services. Students  
21 involved in an act of discrimination, harassment, intimidation, bullying, or cyberbullying shall be  
22 referred to the appropriate school counselor by the principal/designee when deemed necessary.<sup>1,5</sup>

23 The principal/designee is responsible for determining whether an alleged act constitutes a violation of  
24 this policy, and such act shall be held to violate this policy when it meets one of the following  
25 conditions:

- 26 • It places the student in reasonable fear or harm for the student's person or property;
- 27
- 28 • It has a substantially detrimental effect on the student's physical or mental health;
- 29
- 30 • It has the effect of substantially interfering with the student's academic performance; or
- 31
- 32 • It has the effect of substantially interfering with the student's ability to participate in or benefit
- 33 from the services, activities, or privileges provided by a school.

34 It is the policy of the Bedford County School District to provide for adequate, reliable and impartial  
35 investigation of written and oral complaints. Investigation of written and oral complaints includes the  
36 opportunity for both the complainant and the alleged perpetrator to present witnesses and evidence.

37 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and  
38 complete investigation of each alleged incident. All investigations shall be completed and appropriate  
39 intervention taken within twenty (20) calendar days from the receipt of the initial report.<sup>5</sup> If the

1 investigation is not complete or intervention has not taken place within twenty (20) calendar days, the  
2 principal/designee shall provide the Superintendent of Schools with appropriate documentation  
3 detailing the reasons why the investigation has not been completed or the appropriate intervention has  
4 not taken place.<sup>5</sup> Within the parameters of the federal Family Educational Rights and Privacy Act  
5 (FERPA) at 20 U.S.C. §1232g, a written report on the investigation will be delivered to the parent of  
6 the complainant, parents of the accused students and to the Superintendent of Schools.

7 The principal/designee shall provide written notice of the outcome of the complaint and subsequent  
8 investigation to the complainant and the alleged perpetrator. It is the policy of the Bedford County  
9 Board of Education to take measured steps to prevent the recurrence of any discrimination and/or  
10 harassment as well as to remedy discriminator effects on the complainant and others, if appropriate.

11 Notice of the grievance procedures, including where complaints may be filed, shall be disseminated  
12 annually to all school staff and published in the parent/student handbook distributed annually to every  
13 student.

#### 14 **RESPONSE AND PREVENTION**

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

18 A substantiated charge against an employee shall result in disciplinary action up to and including  
19 termination. A substantiated charge against a student may result in corrective or disciplinary action up  
20 to and including suspension.

21 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal  
22 Rights Coordinator. Any student disciplined for violation of this policy may appeal the decision in  
23 accordance with disciplinary policies and procedure.

#### 24 **REPORTS**

25 When a complaint is filed alleging a violation of this policy where there is physical harm or the threat  
26 of physical harm to a student or a student's property, the principal/designee of each middle school,  
27 junior high school, or high school shall report the findings and any disciplinary actions taken to the  
28 Superintendent of Schools and the chair of the Board of Education.

29 By July 1 of each year, the Superintendent of Schools/designee shall prepare a report of all of the  
30 bullying cases brought to the attention of school official during the prior academic year. The report  
31 shall also indicate how the cases were resolved and/or the reasons they are still pending. This report  
32 shall be presented to the Board of Education at its regular July meeting, and it shall be submitted to the  
33 State Department of Education by August 1.

34 The Superintendent of Schools shall develop forms and procedures to ensure compliance with the  
35 requirements of this policy and Tenn. Code Ann. §49-6-4503.

## 1 **RETALIATION AND FALSE ACCUSATIONS**

2 There will be no retaliation against any person who reports or assists in any investigation of an act  
3 alleged in this policy. The consequences and appropriate remedial action for a person who engages in  
4 retaliation shall be determined by the administrator after consideration of the nature, severity, and  
5 circumstances of the act.

6 However, any employee who refuses to cooperate or gives false information during the course of any  
7 investigation may be subject to disciplinary action. The willful filing of a false report will itself be  
8 considered harassment and will be treated as such.

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

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### Legal References

1. TCA 49-6-3109; 49-6-4503
2. Title VII: 29 CFR § 1604.11
3. Title IX (20 U.S.C. §§ 1681-1686)
4. TCA 49-2-120
5. TCA 49-6-4503-4506

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### Cross References

Appeals to and Appearances Before the Board 1.404  
Staff-Student Relations 5.610  
Student Complaints and Grievances 6.305  
Discipline Procedures 6.313