

Franklin Special Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: <h2 style="text-align: center;">Student Discrimination, Harassment, Bullying, Cyber-bullying and Intimidation</h2>	Descriptor Code: 6.304	Issued Date: 07/18/16
		Rescinds: 6.304	Issued: 02/09/09

1 The Franklin Special School District 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 prohibited.¹
 6

7 This policy shall be disseminated annually to all school staff, students, and parents. This policy shall
 8 cover employees, employees' behaviors, students and students' behaviors while on school property, at
 9 any school-sponsored activity, on school-provided equipment or transportation, or at any official
 10 school bus stop. If the act takes place off school property or outside of a school-sponsored activity, this
 11 policy is in effect if the conduct is directed specifically at a student or students and has the effect of
 12 creating a hostile educational environment or otherwise creating a substantial disruption to the
 13 educational environment or learning process.
 14

15 Building administrators are responsible for educating and training their respective staff and students as
 16 to the definition and recognition of discrimination/harassment.
 17

18 **DEFINITIONS**

19
 20 Bullying/Intimidation/Harassment - An act that substantially interferes with a student's educational
 21 benefits, opportunities, or performance, and the act has the effect of:
 22

- 23 • Physically harming a student or damaging a student's property;
- 24
- 25 • Knowingly placing a student or students in reasonable fear of physical harm to the
- 26 student or damage to the student's property;
- 27
- 28 • Causing emotional distress to a student or students; or
- 29
- 30 • Creating a hostile educational environment.
 31

32 Bullying, intimidation, or harassment may also be unwelcome conduct based on a protected class
 33 (race, nationality, origin, color, gender, age, disability, religion) that is severe, pervasive, or persistent
 34 and creates a hostile environment.
 35

36 Cyber-bullying - A form of bullying undertaken through the use of electronic devices. Electronic
 37 devices include, but are not limited to, telephones, cellular phones or other wireless telecommunication

1 devices, text messaging, emails, social networking sites, instant messaging, videos, web sites or fake
2 profiles.
3

4 Hazing - An intentional or reckless act by a student or group of students that is directed against any
5 other student(s) that endangers the mental or physical health or safety of the student(s) or that induces
6 or coerces a student to endanger his/her mental or physical health or safety. Coaches and other
7 employees of the school district shall not encourage, permit, condone or tolerate hazing activities.³
8

9 “Hazing” does not include customary athletic events or similar contest or competitions and is limited
10 to those actions taken and situations created in connection with initiation into or affiliation with any
11 organization.
12

13 **COMPLAINTS AND INVESTIGATIONS**

14

15 Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher,
16 counselor or building administrator.² All school employees are required to report alleged violations of
17 this policy to the principal/designee. All other members of the school community, including students,
18 parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy.
19

20 While reports may be made anonymously, an individual's need for confidentiality must be balanced
21 with obligations to cooperate with police investigations or legal proceedings, to provide due process to
22 the accused, to conduct a thorough investigation or to take necessary actions to resolve a complaint,
23 and the identity of parties and witnesses may be disclosed in appropriate circumstances to individuals
24 with a need to know.
25

26 The principal/designee at each school shall be responsible for investigating and resolving complaints.
27 Once a complaint is received, the principal/designee shall initiate an investigation within forty-eight
28 (48) hours of receipt of the report.⁴ If a report is not initiated within forty-eight (48) hours, the
29 principal/designee shall provide the director of schools with appropriate documentation detailing the
30 reasons why the investigation was not initiated within the required time frame.⁴

31 The principal/designee shall notify the parent/legal guardian when a student is involved in an act of
32 discrimination, harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall
33 provide information on district counseling and support services. Students involved in an act of
34 discrimination, harassment, intimidation, bullying, or cyber-bullying shall be referred to the
35 appropriate school counselor by the principal/designee when deemed necessary.^{1,4}
36

37 The principal/designee is responsible for determining whether an alleged act constitutes a violation of
38 this policy, and such act shall be held to violate this policy when it meets one of the following
39 conditions:
40

41 It places the student in reasonable fear or harm for the student’s person or property;
42

43 It has a substantially detrimental effect on the student’s physical or mental health;
44

45 It has the effect of substantially interfering with the student’s academic performance; or
46

1 It has the effect of substantially interfering with the student's ability to participate in or benefit from
2 the services, activities, or privileges provided by a school.
3

4 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and
5 complete investigation of each alleged incident. All investigations shall be completed and appropriate
6 intervention taken within twenty (20) calendar days from the receipt of the initial report.⁴ If the
7 investigation is not complete or intervention has not taken place within twenty (20) calendar days, the
8 principal/designee shall provide the director of schools with appropriate documentation detailing the
9 reasons why the investigation has not been completed or the appropriate intervention has not taken
10 place.⁴ Within the parameters of the federal Family Educational Rights and Privacy Act (FERPA) at 20
11 U.S.C. §1232g, a written report on the investigation will be delivered to the parents of the complainant,
12 parents of the accused students and to the Director of Schools.
13

14 **RESPONSE AND PREVENTION**

15

16 School administrators shall consider the nature and circumstances of the incident, the age of the
17 violator, the degree of harm, previous incidences or patterns of behavior, or any other factors, as
18 appropriate to properly respond to each situation.
19

20 Remedial measures shall be designed to:

- 21
- 22 • Correct the problem behavior;
- 23
- 24 • Prevent other occurrences of the behavior; and
- 25
- 26 • Protect the victim of the act.
27

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
30 to and including suspension.
31

32 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal
33 Rights Coordinator or the Franklin Special School District Director of Schools. Any student
34 disciplined for violation of this policy may appeal the decision in accordance with disciplinary policies
35 and procedures.
36

37 **REPORTS**

38

39 When a complaint is filed alleging a violation of this policy where there is physical harm or the threat
40 of physical harm to a student or a student's property, the principal/designee of each intermediate /
41 middle school shall report the findings and any disciplinary actions taken to the director of schools and
42 the chair of the board of education.
43

44 By July 1 of each year, the director of schools/designee shall prepare a report of all of the bullying
45 cases brought to the attention of school officials during the prior academic year. The report shall also
46 indicate how the cases were resolved and/or the reasons they are still pending. This report shall be

1 presented to the board of education at its regular July meeting, and it shall be submitted to the state
2 department of education by August 1.

3 The director of schools shall develop forms and procedures to ensure compliance with the
4 requirements of this policy and TCA 49-6-4503.

6 **RETALIATION AND FALSE ACCUSATIONS**

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

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

Legal References

1. TCA 49-6-4503
2. 20 USC §1681 to 1686
3. TCA 49-2-120
4. Public Acts of 2016, Chp. No. 783

Cross References

- Appeals To and Appearances Before the Board 1.404
- Workplace Bullying 5.504
- Staff-Student Relations 5.610
- Student Complaints and Grievances 6.305
- Discipline Procedures 6.313