

Elizabethton 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: <h3 style="text-align: center;">6.304</h3>	Issued Date: <h3 style="text-align: center;">11/14/17</h3>
		Rescinds: <h3 style="text-align: center;">6.304</h3>	Issued: <h3 style="text-align: center;">01/16/14</h3>

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

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

11 Building administrators and/or Human Resources Staff are responsible for educating and training their respective
 12 staff and students as to the definition and recognition of violations of this policy. Building administrators will
 13 document to the director of schools no later than October 1 that they have complied with this requirement.

14 DEFINITIONS

15 When looking at the totality of the circumstances, harassment, bullying, intimidation, cyber-bullying, or any other
 16 disruptive or violent behavior includes conduct gestures, written, verbal, graphic, or written acts, including
 17 electronically transmitted acts, toward a student which are based on actual or perceived trait or characteristic of
 18 the student and creates an educational environment that meets one or more of the following conditions.

- 19 • Places the student in reasonable fear of harm for the student's person or property;
- 20 • Has a substantially detrimental effect on the student's physical or mental health;
- 21 • Has the effect of substantially interfering with the student's academic performance; or
- 22 • Has the effect of substantially interfering with the student's ability to participate in or benefit from the
- 23 services, activities, or privileges provided by a school.

24 *Bullying* is conduct that meets one or more of the following criteria:

- 25 • Is an act directed at one or more students that is intended to harm or embarrass;
- 26 • Is repeated over time; and
- 27 • Involves an imbalance of physical, emotional or social power.

28 *Bullying* can be conducted verbally and in writing (teasing, name-calling, taunting, threatening to cause harm)
 29 socially/relationally (hurting someone's reputation or relationship), or physically (hurting someone or their
 30 possessions).

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

4 *Harassment* is conduct that meets the following criteria:

- 5 • Unwelcome conduct based on a protected class (race, national, origin, color, gender, age, disability,
6 religion) that is severe, pervasive, or persistent and creates a hostile environment.
- 7 • "Sexual Harassment" includes unwelcome conduct of a sexual nature, which can include unwelcome
8 sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual
9 nature or conduct aimed at defining a student in a sexual manner or conduct impugning the character of a
10 student based on allegations of sexual promiscuity.

11 Other acts of violent behavior may include:

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

16 *Hazing* does not include customary athletic events or similar contest or competitions and is limited to those actions
17 taken and situations created in connection with initiation into or affiliation with any organization.

18 **COMPLAINTS AND INVESTIGATIONS**

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

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

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

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

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

1 When a complaint alleges a violation of this policy where this is physical harm or the threat of physical
2 harm to a student or a student's property, the principal/designee of each middle school, junior high
3 school, or high school shall, following an investigation, report the findings and any disciplinary actions
4 taken to the director of schools and the chair of the board of education.

5 **RESPONSE AND PREVENTION**

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

9 A substantiated charge against an employee shall result in disciplinary action up to and including
10 termination. A substantiated charge against a student may result in corrective or disciplinary action up
11 to and including suspension.

12 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal
13 Rights Coordinator or the Director of Special Education. Any student disciplined for violation of this
14 policy may appeal the decision in accordance with disciplinary policies and procedures. (Policy 6.317)

15 **REPORTS**

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

21 **RETALIATION AND FALSE ACCUSATIONS**

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

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

Legal References

1. TCA 49-6-4503
2. 20 USCS §§ 1681 to 1686
3. TCA 49-2-120

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