

# McNairy County Board of Education

Monitoring: <b>Review: Annually, in March</b>	Descriptor Term: <b>Student Discrimination, Harassment, Bullying, Cyber-bullying and Intimidation</b>	Descriptor Code: <b>6.304</b>	Issued Date: <b>07/14/16</b>
		Rescinds: <b>6.304</b>	Issued: <b>12/11/08</b>

1 The McNairy County 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.<sup>1</sup>

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

## 13 **DEFINITIONS**

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

- 16 • Physically harming a student or damaging a student's property;
- 17 • Knowingly placing a student or students in reasonable fear of physical harm to the student  
18 or damage to the student's property;
- 19 • Causing emotional distress to a student or students; or
- 20 • Creating a hostile educational environment.

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

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

27 Hazing - An intentional or reckless act by a student or group of students that is directed against any other student(s)  
28 that endangers the mental or physical health or safety of the student(s) or that induces or coerces a student to

1 endanger his/her mental or physical health or safety. Coaches and other employees of the school district shall not  
2 encourage, permit, condone or tolerate hazing activities.<sup>3</sup>

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

## 5 **COMPLAINTS AND INVESTIGATIONS**

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

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

14 The principal/designee at each school shall be responsible for investigating and resolving complaints. Once a  
15 complaint is received, the principal/designee shall initiate an investigation within forty-eight (48) hours of receipt  
16 of the report.<sup>4</sup> If a report is not initiated within forty-eight (48) hours, the principal/designee shall provide the  
17 director of schools with appropriate documentation detailing the reasons why the investigation was not initiated  
18 within the required timeframe.<sup>4</sup>

19 The principal/designee shall notify the parent/legal guardian when a student is involved in an act of discrimination,  
20 harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall provide information on district  
21 counseling and support services. Students involved in an act of discrimination, harassment, intimidation, bullying,  
22 or cyber-bullying shall be referred to the appropriate school counselor by the principal/designee when deemed  
23 necessary.<sup>1, 4</sup>

24 The principal/designee is responsible for determining whether an alleged act constitutes a violation of this policy,  
25 and such act shall be held to violate this policy when it meets one of the following 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;
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- 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 from the  
33 services, activities, or privileges provided by a school.

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

## 1 **RESPONSE AND PREVENTION**

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

5 A substantiated charge against an employee shall result in disciplinary action up to and including termination. A  
6 substantiated charge against a student may result in corrective or disciplinary action up to and including  
7 suspension.

8 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal Rights  
9 Coordinator. Any student disciplined for violation of this policy may appeal the decision in accordance with  
10 disciplinary policies and procedures.

## 11 **REPORTS**

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

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

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

## 22 **RETALIATION AND FALSE ACCUSATIONS**

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

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

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### Cross References

- Appeals To and Appearances Before the Board 1.608  
Staff-Student Relations 5.610  
Student Complaints and Grievances 6.305  
Discipline Procedures 6.313