

Hardeman County 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;">07/19/16</h3>
		Rescinds: <h3 style="text-align: center;">6.304</h3>	Issued: <h3 style="text-align: center;">11/19/13</h3>

1 The general assembly has determined that a safe and civil is necessary for students to learn and achieve high
 2 academic standards. In order to maintain that environment any acts of bullying, cyber-bullying, harassment,
 3 intimidation, to include conduct aimed at defining a student in a sexual manner or conduct impugning the character
 4 of a student based on allegations of sexual promiscuity are prohibited.¹

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

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

14 **DEFINITIONS**

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

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

22 Cyber-bullying - A form of bullying undertaken through the use of electronic devices personal digital assistants
 23 (PDAs), computers, electronic mail, instant messaging, text messaging, and web sites.

24 Hazing - An intentional or reckless act by a student or group of students that is directed against any other student(s)
 25 that endangers the mental or physical health or safety of the student(s) or that induces or coerces a student to
 26 endanger his/her mental or physical health or safety. "Hazing" does not include customary athletic events or
 27 similar contest or competitions and is limited to those actions taken and situations created in connection with
 28 initiation into or affiliation with any organization.³

1 COMPLAINTS AND INVESTIGATIONS

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

6 A person may anonymously report an act of harassment, intimidation, bullying or cyber bullying, but not formal
7 disciplinary action may be taken solely on the basis of an anonymous report.

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

13 The principal/designee shall notify the parent/legal guardian when a student is involved in an act of
14 discrimination, harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall
15 provide information on district Counseling and support services. Students involved in an act of
16 discrimination, harassment, intimidation, bullying, or cyber-bullying shall be referred to the appropriate
17 school counselor by the principal/designee when deemed necessary.^{1,4}

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

20 It places the student in reasonable fear or harm for the student's person or property;

21 It has a substantially detrimental effect on the student's physical or mental health;

22 It has the effect of substantially interfering with the student's academic performance; or

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

25 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and
26 complete investigation of each alleged incident. All investigations shall be completed and appropriate
27 intervention taken within twenty (20) calendar days from the receipt of the initial report.⁴ If the
28 investigation is not complete or intervention has not taken place within twenty (20) calendar days, the
29 principal/designee shall provide the director schools with appropriate documentation detailing the
30 reasons why the investigation has not been completed or the appropriate intervention has not taken
31 place.⁴

32 Within the parameters of the federal Family Educational Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g,
33 a written report on the investigation will be delivered to the parents of the complainant, parents of the accused
34 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. Any employee or student disciplined
9 for violation of this policy may appeal the decision in accordance with disciplinary policies and procedures.

10 **REPORTS**

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

15 August 1, the director shall prepare and provide to the department of education, a report concerning the number
16 of bullying cases brought to the attention of school officials during the preceding year and the manner in which
17 they were resolved or the reason they are still pending. This report shall be presented to the board of education at
18 its regular July meeting, and it shall be submitted to the state department of education by August 1.

19 **RETALIATION AND FALSE ACCUSATIONS**

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

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

Legal References

1. TCA 49-6-4501 through 49-6-4506
2. Title IX (20 U.S.C. 1681-1686)
3. TCA 49-2-120
4. TCA 49-6-4503(c) (2)(B)
5. Public Acts of 2016, Chp. No. 783

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