

# Putnam County Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Student Discrimination/Harassment and Bullying/Intimidation</b>	Descriptor Code: <b>6.304</b>	Issued Date: <b>09/04/12</b>
		Rescinds: <b>6.304</b>	Issued: <b>06/13/11</b>

1 The Administration of Putnam County Schools is committed to providing all students a learning environ-  
2 ment free from discrimination/harassment based on race (actual or perceived), color, religion, national  
3 origin, handicap/disability, sexual orientation, ancestry, or gender, including gender identity, expression  
4 and appearance. A safe and civil learning environment in school is necessary for students to learn and  
5 achieve high academic standards. Harassment, intimidation, bullying, and/or hazing is conduct that dis-  
6 rupts both a student's ability to learn and a school's ability to educate its students in a safe environment  
7 and will not be tolerated.

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9 This policy addresses conduct that takes place on school grounds, at any school sponsored activity, on  
10 school-sponsored transportation, at any official school bus stop immediately before boarding and im-  
11 mediately after leaving school transportation of any kind.

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13 It will be the responsibility of all system administrators to ensure that this policy is being implemented.  
14 Information about disciplinary consequences will be published annually in the Student Code of Con-  
15 duct.

## 16 **Definition(s)**

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19 Harassment, intimidation or bullying is defined as conduct, advances, gestures or words either written  
20 or spoken which result in:

- 21 • Unreasonably interfering with a student's educational opportunities
- 22 • Creates a hostile, intimidating or offensive learning environment
- 23 • Implies that submission to such conduct is made an explicit or implicit condition for receiving  
24 grades or credits
- 25 • Physically harms a student
- 26 • Damages a student's property

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28 Hazing is defined as:

- 29 • An intentional or reckless act on or off Putnam County Schools property;
- 30 • By one (1) student acting alone or with others;
- 31 • Directed against any other student; and
- 32 • That endangers the mental or physical health or safety of that student or that induces or coerces  
33 a student to endanger that student's mental or physical health or safety.

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35 "Hazing" does not include customary athletic events or similar contests or competitions and is limited  
36 to those actions taken and situations created in connection with initiation into or affiliation with any  
37 organization.

## 38 **Additional Forms of Harassment, Intimidation, Bullying, and/or Hazing**

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41 Sexual harassment will not be tolerated under this policy. Sexual harassment may include but is not  
42 limited to: sexual advances, subtle pressure of sexual activity, touching of a sexual nature including

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2 inappropriate patting or pinching, intentional brushing against another person's body without his/her  
3 consent, demands for sexual favors, graffiti, posters, cartoons, caricatures and jokes of a sexual nature,  
4 playing sexually explicit audio/video tapes, and inappropriate rumors about or rating another person's  
5 sexual activity or performance.  
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7 Putnam County Schools also prohibits cyber-bullying, defined as harassment/intimidation through use  
8 of Internet social networking sites or other telecommunications technologies such as telephones, cell  
9 phones, text messaging and camera phones. Cyber bullying that begins off-campus can be considered  
10 school related if it interferes with school activities, causes a disruption at school or interferes with the  
11 rights of students.  
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13 Behavior that facilitates or exacerbates harassment, intimidation, bullying, and/or hazing will not be  
14 tolerated under this policy. Facilitation includes behavior intended to prolong, expand, or escalate con-  
15 flict including, but not limited to, delivering insulting or threatening messages on behalf of one of the  
16 parties involved, creating a video of interactions in which one student is being harassed, intimidated,  
17 bullied, or hazed by one or more other students, or disseminating information about such incidents via  
18 social networking sites and/or other telecommunications technologies such as telephones, cell phones,  
19 text messaging and camera phones.  
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#### 21 *False Claims a/Bullying, Harassment or Intimidation*

22 A student will not slander/libel (make an untruthful oral [spoken] or written statement about a person that  
23 harms the person's reputation in the community) any teacher, administrator, school district employee or  
24 other person acting in an official capacity at the school by making false claims of harassment, including  
25 sexual harassment, or other inappropriate behavior. Additionally, students will not create an intimidating,  
26 hostile or offensive work environment. Claims found to have been falsely alleged will also be investi-  
27 gated. False claims submitted knowingly are subject to disciplinary consequences as determine by the  
28 building principal.  
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#### 30 **Civil Rights Intimidation (Violation of Personal Rights) TCA 39-17-309**

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32 The General Assembly of the State of Tennessee and Putnam County Schools declare that it is the right  
33 of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected  
34 from fear, intimidation, harassment and bodily injury caused by the activities of groups and individu-  
35 als. TCA 39-17-309(a) A person commits the offense of intimidating others from exercising civil rights  
36 who:

- 37 • Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate  
38 another from free exercise or enjoyment of any right or privilege secured by the constitution or  
39 laws of the State of Tennessee;
- 40 • Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate  
41 another because that other exercised any right or privilege secured by the constitution or laws  
42 of the State of Tennessee;
- 43 • Damages, destroys or defaces any real or personal property of another person with the intent to  
44 unlawfully intimidate another from free exercise of any right or privilege secured by the consti-  
45 tution or laws of the State of Tennessee;
- 46 • Damages, destroys or defaces any real or personal property of another person with the intent to  
47 unlawfully intimidate another because that other exercised any right or privilege secured by the  
48 constitution or laws of the State of Tennessee.  
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- It is an offense for a person to wear a mask or disguise with the intent to violate subsection (b). TCA 39-17-309 (b)
- A violation of subsection (b) is a Class D felony. A violation of subsection (c) is a Class A misdemeanor.

### **Notice Requirements**

Pursuant to TCA 37-1-403, if a teacher, school official or other school personnel has knowledge or reasonable cause to suspect that a child who attends such school may be the victim of child abuse or child sexual abuse sufficient to require reporting pursuant to this section and that such abuse occurred on school grounds or while the child was under supervision or care of the school (including transportation to and from school), then the principal or other person designated by the school shall verbally notify the parent or legal guardian of such child that a report pursuant to this section has been made and shall provide other information relevant to the future well-being of the child while under the supervision or care of the school to the parent or legal guardian within twenty four (24) hours. Such notice shall not be sent to any parent or legal guardian if there is reasonable cause to believe that such parent or legal guardian may be the perpetrator or in any way responsible for the child abuse or child sexual abuse. Once notice is sent, the principal or other designated person shall provide to such parent or legal guardian all school information and records relevant to the alleged abuse or sexual abuse, if requested by the parent or legal guardian, provided such information is edited to protect the confidentiality and identity of the person who made the report, or other person whose life or safety may be endangered by the disclosure, and any information made confidential by federal law.

### **Reporting Instances of Intimidation, Hazing, or Bullying**

Intimidation, hazing, or bullying should be reported to any staff member who must report the incident to the principal. Anonymous reporting is also permitted under this policy. The principal must take immediate action to prevent further harm and to initiate an investigation into the incident. Steps that must be taken are as follows:

- During the course of the investigation, the principal should document in writing the facts of the incident. The principal has numerous resources at his/her disposal to assist with any investigation, including but not limited to:
  - Local Law Enforcement
  - Department of Children Services
  - School Resource Officers
  - Special Education personnel
- Record all parent contacts regarding the incident, including date, time and manner (phone, e-mail, face-to-face).
- Obtain written witness statements
- If the determination is that the offense can be handled at the school level, the principal should document this in writing and keep on file at the school. If handled at the school level, disciplinary consequences will be determined by the building principal.
- If the determination is made that the offense reaches the level of a disciplinary hearing, the principal must contact the Assistant Director for further action.

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**Prohibition of Retaliation**

School employees, students or volunteers are prohibited from retaliating against witnesses or victims who report such acts. School administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior treating others with civility and respect, and refusing to tolerate harassment, intimidation, hazing, or bullying in any form.

Legal References:

- 1. TCA49-6-3109
- 2. TCA49-6-1014
- 3. TCA 49-6-1016
- 4. TCA 49-2-120
- 5. TCA 39-17-309
- 6. TCA 39-17-309(a)
- 7. TCA 39-17-309(b)
- 8. TCA 37-1-403(1) (1)
- 9. TCA 37-1-605 (d) (1)

Cross References:

- Appeals To & Appearances Before the Board 1.404
- Staff-Student Relations 5.610
- Student Complaints and Grievances 6.305