

Bartlett City Board of Education		6002
Descriptor Term: STUDENT DISCRIMINATION, HARASSMENT, BULLYING, AND CYBER-BULLYING AND INTIMIDATION	Descriptor Code: Student Services	Issue Date: 06/23/2014
	Rescinds:	Revised:

1 The Bartlett City Board of Education has determined that a safe, civil, and supportive
2 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,
4 discrimination, harassment, hazing or any other victimization of students, based on any
5 actual or perceived traits or characteristics, are prohibited.¹

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

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

16 **DEFINITIONS**

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

- 19 1. Physically harming a student or damaging a student's property;
- 20 2. Knowingly placing a student or students in reasonable fear of physical harm to
21 the student or damage to the student's property;
- 22 3. Causing emotional distress to a student or students; or
- 23 4. Creating a hostile educational environment.

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

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

¹ T.C.A. §49-6-1016

1 *Hazing* - An intentional or reckless act by a student or group of students that is
2 directed against any other student(s) that endangers the mental or physical health or
3 safety of the student(s) or that induces or coerces a student to endanger his/her mental
4 or physical health or safety. Coaches and other employees of the school district shall
5 not encourage, permit, condone or tolerate hazing activities.² “Hazing” does not include
6 customary athletic events or similar contest or competitions and is limited to those
7 actions taken and situations created in connection with initiation into or affiliation with any
8 organization.

9 **COMPLAINTS AND INVESTIGATIONS**

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

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

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

- 24 1. It places the student in reasonable fear or harm for the student’s person or property;
- 25 2. It has a substantially detrimental effect on the student’s physical or mental health;
- 26 3. It has the effect of substantially interfering with the student’s academic
27 performance; or
- 28 4. It has the effect of substantially interfering with the student’s ability to participate in
29 or benefit from the services, activities, or privileges provided by a school.

30 Upon the determination of a violation, the principal/designee shall conduct a prompt,
31 thorough, and complete investigation of each alleged incident. Within the parameters
32 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,
34 parents of the accused students and to the Superintendent.

35 **RESPONSE AND PREVENTION**

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

² T.C.A. §49-2-120

³ 20 U.S.C. §§1681 - 1686

1 A substantiated charge against an employee shall result in disciplinary action up to and
2 including termination. A substantiated charge against a student may result in corrective
3 or disciplinary action up to and including suspension.

4 An employee disciplined for violation of this policy may appeal the decision by contacting
5 the Federal Rights Coordinator or the Superintendent. Any student disciplined for
6 violation of this policy may appeal the decision in accordance with disciplinary policies
7 and procedures.

8 **REPORTS**

9 When a complaint is filed alleging a violation of this policy where there is physical harm or
10 the threat of physical harm to a student or a student's property, the principal/designee of
11 each school, shall report the findings and any disciplinary actions taken to the
12 Superintendent and the Board Chairman.

13 By July 1 of each year, the Superintendent or his/her designee shall prepare a report of all
14 of the bullying cases brought to the attention of school officials during the prior academic
15 year. The report shall also indicate how the cases were resolved and/or the reasons
16 they are still pending. This report shall be presented to the Board at its regular July
17 meeting, and it shall be submitted to the State Department of Education by August 1.

18 The Superintendent shall develop forms and procedures to ensure compliance with the
19 requirements of this policy and TCA 49-6-1016.

20 **RETALIATION AND FALSE ACCUSATIONS**

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

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