

# Franklin County Board of Education

Monitoring:  <b>Review: Annually, in April</b>	Descriptor Term:  <h2 style="text-align: center;">Student Discrimination/Harassment and Bullying, Cyber-bullying and Intimidation</h2>	Descriptor Code: <b>6.304</b>	Issued Date: <b>07/11/16</b>
		Rescinds: <b>6.304</b>	Issued: <b>01/13/14</b>

1 The Franklin County Board of Education has determined that a safe, civil, and supportive learning  
 2 environment in school is necessary for students to learn and achieve high academic standards.  
 3 Furthermore, it is the Board’s expectation that members of the school community (as defined herein)  
 4 behave in a civil and respectful manner and refrain from any conduct that contributes to the creation of  
 5 a hostile educational environment or otherwise substantially disrupts or interferes with a student’s  
 6 educational performance, opportunities, or benefits, regardless of where such conduct occurs.

7 In furtherance of these goals and expectations, the Board prohibits any discrimination that  
 8 unreasonably and unfavorably differentiates against any member of the school community based on  
 9 that individual’s membership in a legally protected class or that individual’s actual or perceived traits  
 10 or characteristics. Furthermore, the Board prohibits all acts of harassment, bullying, cyber-bullying,  
 11 intimidation, hazing, or other victimization of students, regardless of the actor’s motivation or intent.<sup>1</sup>

12 In accordance with this policy, no otherwise qualified student may be excluded from participation in or  
 13 be denied the benefit of any academic or extracurricular program or activity on the basis of the  
 14 student’s race, color, ethnicity, national origin, religion, sex, gender, sexual orientation, or disability.<sup>2</sup>  
 15 In addition, no employee, volunteer, contractor, or student may discriminate against or harass a student  
 16 or a student’s parent, guardian, or other family members through disparaging conduct or  
 17 communication that is sexual, racial, ethnic, or religious in nature or that is related to an individual’s  
 18 disability or nation of origin.

19 This policy shall apply to all members of the school community while on school property, at any  
 20 school-sponsored activity, on school-provided equipment or transportation, or at any official school  
 21 bus stop. For purposes of this policy, the school community includes: school officials, employees,  
 22 volunteers, and contractors; students; students’ parents, guardians, and other family members; and  
 23 other individuals visiting school property or attending a school-sponsored activity. If the act takes  
 24 place off school property or outside of a school-sponsored activity, this policy is in effect if the  
 25 conduct is directed specifically at a student or students and has the effect of creating a hostile  
 26 educational environment or otherwise creating a substantial disruption to the educational environment  
 27 or learning process.

28 This policy shall be disseminated annually to all staff, students, and parents. Building administrators  
 29 are responsible for educating and training their respective staff and students as to the definition and  
 30 recognition of discrimination/harassment.

## 1 **DEFINITIONS**

2 Bullying/Intimidation/Harassment – an act that substantially interferes with a student’s educational  
3 benefits, opportunities, or performance, and the act has the effect of:

- 4 • Physically harming a student or damaging a student’s property;
- 5 • Knowingly placing a student or students in reasonable fear of physical harm to the student or  
6 damage to the student’s property;
- 7 • Causing emotional distress to a student or students; or
- 8 • Creating a hostile educational environment.

9 Bullying, intimidation, and harassment creates a hostile educational environment where the conduct is  
10 sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to  
11 participate in or benefit from the services, activities, or opportunities offered by a school. Bullying,  
12 intimidation, or harassment may also constitute unlawful discrimination where it is based on or  
13 implicates a student’s race, color, ethnicity, national origin, religion, sex, gender, sexual orientation, or  
14 disability.

15 Examples of acts that may be considered bullying if meeting the standards stated above, include, but  
16 are not limited to:

- 17 A. Overt, repeated acts or gestures made with the intent to harass, ridicule, humiliate, or harm;
- 18 B. Physical or psychological intimidation;
- 19 C. Stated or implied threats;
- 20 D. Use of any language, written or unwritten, hand gestures or other forms of expression aimed at  
21 defining a student in a sexual manner or impugning the character of a student based on  
22 allegations of sexual promiscuity;
- 23 E. Assault of a student, whether physical, verbal, psychological, or emotional;
- 24 F. Attacks on personal property; and
- 25 G. Communication of any of the above, or an intent to undertake any of the above, whether made  
26 in person or by electronic device.

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

31 *Hazing* – an intentional or reckless act by a student or group of students that is directed against any  
32 other student(s) that endangers the mental or physical health or safety of the student(s) or that induces  
33 or coerces a student to endanger his/her mental or physical health or safety. Coaches and other  
34 employees of the school district shall not encourage, permit, condone or tolerate hazing activities.<sup>3</sup>

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

## 1 COMPLAINTS AND INVESTIGATIONS

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

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

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

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

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

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

29 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and  
30 complete investigation of each alleged incident. All investigations shall be completed and appropriate  
31 intervention taken within twenty (20) calendar days from receipt of the initial report.<sup>4</sup> If the  
32 investigation is not complete or intervention has not taken place within twenty (20) calendar days, the  
33 principal/designee shall provide the director of schools with appropriate documentation detailing the  
34 reasons why the investigation has not been completed or the appropriate intervention has not taken  
35 place.<sup>4</sup> Within the parameters of the federal Family Educational Rights and Privacy Act (FERPA) at  
36 20 U.S. § 1232g, a written report on the investigation will be delivered to the parents of the  
37 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  
3    violateur, the degree of harm, previous incidences or patterns of behavior, or any other factors, as  
4    appropriate to properly respond to each situation.

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

8    An employee disciplined for violation of this policy may appeal the decision by contacting the Federal  
9    Rights Coordinator or the Director of Schools. Any student disciplined for violation of this policy may  
10    appeal the decision in accordance with 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  
13    of physical harm to a student or student's property, the principal/designee of each middle school,  
14    junior high school, or high school shall report the findings and any disciplinary actions taken to the  
15    director of schools and the chair of the board of education.

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    The director of schools shall develop forms and procedures to ensure compliance with the  
22    requirements of this policy and TCA 49-6-4501 through TCA 49-6-4506.

## 23   **RETALIATION AND FALSE ACCUSATIONS**

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

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

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Legal References

1. TCA 49-6-4503
2. 20 USCS §§ 1681 et seq.; 20 USC § 1701; TCA 49-6-3109
3. 20 USCS § 1681 et seq.; 20 USC § 1701; 29 USC § 701;  
TCA 49-2-120; TCA 49-6-3109
4. TCA 49-6-4503

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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