

Hamblen County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Discrimination/Harassment and Bullying/Intimidation and Cyberbullying	Descriptor Code: 6.304	Issued Date: 04/25/13
		Rescinds: JGFFA JCAD	Issued: 06/20/05 12/18/00

1 **DISCRIMINATION/HARASSMENT (Sexual, Racial, Ethnic, Religious)**

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3 Students shall be provided a learning environment free from sexual, racial, ethnic, and religious
4 discrimination/harassment.¹ It shall be a violation of this policy for any employee or any student to
5 discriminate against or harass a student through disparaging conduct or communication that is sexual,
6 racial, ethnic, or religious in nature. The following guidelines are set forth to protect students from
7 discrimination/harassment.

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9 Student discrimination/harassment shall not be tolerated.² Discrimination/harassment is de ned as conduct,
10 advances, gestures, or words either written or spoken of a sexual, racial, ethnic, or religious nature which:

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- 13 1. Unreasonably interfere with the student's work or educational opportunities; or
 - 14 2. Create an intimidating, hostile, or offensive learning environment; or
 - 15 3. Imply that submission to such conduct is made an explicit or implicit term of receiving grades
16 or credit; or
 - 17 4. Imply that submission to or rejection of such conduct shall be used as a basis for determining
18 the student's grades and/or participation in a student activity.

19 **BULLYING/INTIMIDATION/CYBERBULLYING**

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21 Students shall be provided a safe learning environment. It shall be a violation of this policy for any student
22 to bully, intimidate, or create a hostile educational environment for another student. Harassment, bully-
23 ing, and intimidation occurs if the act takes place on school grounds, at any school-sponsored activity, on
24 school-provided equipment or transportation or at any of cial school bus stop if the act either physically
25 harms a student or damages his/her property or knowingly places the student in reasonable fear of such,
26 causes emotional distress to a student or students, or creates a hostile educational environment. If the act
27 takes place off school property or outside of a school-sponsored activity, an act of harassment, bullying, or
28 intimidation occurs if the act is directed speci cally at a student or students and has the effect of creating
29 a hostile educational environment or otherwise creating a substantial disruption to the education environ-
30 nment or learning process. These acts may also take place through electronic means.³

31 **REPORTING/INVESTIGATION**

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34 Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher,
35 counselor, or building administrator.⁴ Any allegations shall be fully investigated by a complaint manager
36 (as set forth in *Student Concerns, Complaints and Grievances 6.305*).

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38 The privacy and anonymity of all parties and witnesses to complaints shall be respected. However,
39 because an individual's need for con dentiality must be balanced with obligations to cooperate with
40 police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough
41 investigation, or to take necessary action to resolve a complaint, the identity of parties and witnesses

1 may be disclosed in appropriate circumstances to individuals with a need to know.

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3 A substantiated charge against an employee shall result in disciplinary action up to and including ter-
4 mination. A substantiated charge against a student may result in corrective or disciplinary action up to
5 and including suspension.

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7 There shall be no retaliation against any person who reports harassment or participates in an investiga-
8 tion. However, any employee who refuses to cooperate or gives false information during the course of
9 any investigation may be subject to disciplinary action. The willful filing of a false report shall itself be
10 considered harassment and shall be treated as such.

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12 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal
13 Rights Coordinator or the director of schools. Any student disciplined for violation of this policy may
14 appeal the decision in accordance with disciplinary policies and procedures.

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16 This policy shall be published in the student handbook distributed annually to every student.

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

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21 Coaches and other employees of the school district shall not encourage, permit, condone, or tolerate haz-
22 arding activities. ⁵

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43 Legal References:

- 46 1. TCA 49-6-3109
- 47 2. Title VII; 29 CFR §1604.11;
- 48 *Davis v. Monroe County Board of Education*, No. 97-843
- 49 (U.S. Sup. Ct. May 24, 1999)
- 3. TCA 49-6-1014-1019
- 4. Title IX (20 U.S.C. §§ 1681-1686)

Cross References:

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

Hamblen County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Concerns, Complaints, and Grievances	Descriptor Code: 6.305	Issued Date: 04/25/13
		Rescinds: JAA	Issued: 05/11/98

STUDENT CONCERNS AND COMPLAINTS

Decisions made by school personnel — such as aides, teachers, or assistant principals — that students believe are unfair or in violation of pertinent policies of the Board or individual school rules may be appealed to the school principal or a designated representative. To appeal, students shall contact the principal's of ce in their school within two (2) days and provide their name, the issue, and the reason for their appeal on a printed form available at the school of ce. The appeal shall usually be decided con dentially and promptly, preferably within ve (5) school days.

However, if the principal does not make a decision within ve (5) school days following the date of complaint, students or parents may appeal at that time by contacting the director of schools/designee at the central of ce. The information provided should include the student's name, the school, and a description of the problem.

An investigation and decision shall be made within two (2) school days and communicated to the school principal and student by telephone. A written copy of the decision also shall be sent to the student and the principal.

DISCRIMINATION/HARASSMENT GRIEVANCE PROCEDURES

Filing a Complaint — Any student of this school district who wishes to le a discrimination/harassment grievance against another student or an employee of the district may le a written or oral (recorded, if possible) complaint with a complaint manager.¹ Students may also report an allegation of discrimination/harassment to any teacher or other adult employed in the school who shall inform a complaint manager of the allegation. The complaint should include the following information:

1. Identity of the alleged victim and person accused;
2. Location, date, time, and circumstances surrounding the alleged incident;
3. Description of what happened;
4. Identity of witnesses; and
5. Any other evidence available.

Investigation — Within twenty-four hours of receiving the student's complaint, the complaint manager shall notify the complaining student's parent/guardian and the principal, who shall inform the director of schools. The parent/guardian shall be given notice of the right to attend an interview of the student in a non-intimidating environment in order to elicit full disclosure of the student's allegations. This interview shall take place within ve (5) days from the time the complaint was rst made. If no parent/guardian attends the interview, another adult, mutually agreed upon by the student and the complaint manager, shall attend and may serve as the student's advocate. After a complete investigation, if the allegations are substantiated, immediate and appropriate corrective or disciplinary action shall be initiated. The complaint

1 and identity of the complainant shall not be disclosed except (1) as required by law or this policy; or
2 (2) as necessary to fully investigate the complaint; or (3) as authorized by the complainant. A school
3 representative shall meet with and advise the complainant regarding the findings, and whether corrective
4 measures and/or disciplinary action were taken. The investigation and response to the complainant shall
5 be completed within thirty (30) school days. Copies of the report shall be sent to the student, principal,
6 Federal Rights Coordinator, and the director of schools. One copy shall be kept in the complaint man-
7 ager's file for one (1) year beyond the student's eighteenth (18th) birthday. The director of schools shall
8 keep the Board informed of all complaints.
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10 *Decision and Appeal* — If the complainant is not in agreement with the findings of fact as reported by
11 the complaint manager, an appeal may be made to the director of schools within five (5) work days.
12 The director of schools shall review the investigation, make any corrective action deemed necessary and
13 provide a written response to the complainant. If the complainant is not in agreement with the director
14 of schools' findings of fact, appeal may be made to the Board of Education within five (5) work days.
15 The Board shall, within thirty (30) days from the date the appeal was received, review the investigation
16 and the actions of the director of schools and may support, amend, or overturn the actions based upon
17 review and report their decision in writing to the complainant.
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19 APPOINTING COMPLAINT MANAGERS

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21 The director of schools shall appoint at least two complaint managers, one of each gender for each
22 school. The Federal Rights Coordinator may serve as a complaint manager. The director of schools
23 shall insert into this policy the names, addresses and telephone numbers of current complaint managers.
24 *(see note)* This policy shall be published in the student handbook distributed annually to every student.
25 Building administrators are responsible for educating and training their respective staff and students as
26 to the definition and recognition of discrimination/harassment.
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31 *(Note: Title IX regulations require districts to identify the name, address and telephone number of the*
32 *person who is responsible for coordinating the district's compliance efforts. A policy should not be adopted*
33 *with a person's name in it; rather, the identifying information can be added and amended as necessary.)*
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42 Legal References:

43 1. Title IX, Education Amendment of 1972,
44 20 U.S.C. §1681, et seq.
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Cross References:

Appeals To & Appearances Before the Board 1.404
Section 504 & ADA Grievance Procedures 1.802
Discrimination/Harassment of Students 6.304