

# Dickson County Board of Education

Monitoring: <b>Review: Annually, in April</b>	Descriptor Term: <b>Student Discrimination, Harassment, Bullying, Cyber-bullying and Intimidation</b>	Descriptor Code: <b>6.304</b>	Issued Date: <b>09/24/20</b>
		Rescinds: <b>6.3005</b>	Issued: <b>7-28-1609</b>

1 The Board has determined that a safe, civil, and supportive environment in school is necessary for students to  
2 learn and achieve high academic standards. In order to maintain that environment, acts of bullying, cyber-  
3 bullying, discrimination, harassment, hazing or any other victimization of students, based on any actual or  
4 perceived traits or characteristics, are prohibited.<sup>1</sup> Conduct that disrupts both a student's ability to learn and a  
5 school's ability to educate students in a safe environment will not be tolerated.

6 This policy shall be disseminated annually to all school staff, students, and parents.<sup>2</sup> This policy shall cover  
7 employees, employees' behaviors, students and students' behaviors while on school property, at any school-  
8 sponsored activity, on school-provided equipment or transportation, or at any official school bus stop. If the act  
9 takes place off school property or outside of a school-sponsored activity, this policy is in effect if the conduct is  
10 directed specifically at a student or students and has the effect of creating a hostile educational environment or  
11 otherwise creating a substantial disruption to the education environment or learning process.

12 Building administrators are responsible for educating and training their respective staff and students as to the  
13 definition and recognition of discrimination/harassment.<sup>3</sup>

14 Violations of Title VI, IX or 504 should be reported to the appropriate officials at the Central Office. This policy  
15 does not deny the right of any individual to pursue other avenues of recourse which may include filing a complaint  
16 with the Office of Civil Rights of Tennessee or the United States Department of Education or initiating a civil  
17 action in court.

## 18 **DEFINITIONS<sup>4</sup>**

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

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

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

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<sup>1</sup> TCA 49-6-4503(a),(b)(5)

<sup>2</sup> TCA 49-6-4503 (b)(11)

<sup>3</sup> TCA 49-6-4503(b)(12)

<sup>4</sup> TCA 49-5-503(b)(2),(13)

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

4 Hazing - An intentional or reckless act by a student or group of students that is directed against any other student(s)  
5 that endangers the mental or physical health or safety of the student(s) or that induces or coerces a student to  
6 endanger his/her mental or physical health or safety. Coaches and other employees of the school district shall not  
7 encourage, permit, condone or tolerate hazing activities.<sup>5</sup>

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

10 Initiation for off-campus clubs/organizations shall in no way disrupt the learning environment of the school and  
11 such activities conducted by such groups which would be defined as hazing, shall not be permitted during the  
12 school day.

13 The Board deems intimidation as a possible form or expression of harassment or bullying.

14 The Board prohibits any behavior aimed at defining a student in a sexual manner or conduct impugning the  
15 character of a student based on allegations of sexual promiscuity.

## 16 **COMPLAINTS AND INVESTIGATIONS**

17 Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher, counselor  
18 or building administrator.<sup>6</sup> All school employees are required to report alleged violations of this policy to the  
19 principal/designee. All other members of the school community, including students, parents, volunteers, and  
20 visitors, are encouraged to report any act that may be a violation of this policy.

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

25 The principal/designee at each school shall be responsible for investigating and resolving complaints. Once a  
26 complaint is received, the principal/designee shall initiate and investigation within forty-eight (48) hours of receipt  
27 of the report. If a report is not initiated within forty-eight (48) hours, the principal/designee shall provide the  
28 director of schools with appropriate documentation detailing the reasons why the investigation was not initiated  
29 within the required timeframe.<sup>7</sup>

30 The principal/designee shall notify the parent/legal guardian when a student is involved in an act of discrimination,  
31 harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall provide information on district  
32 counseling and support services. Students involved in an act of discrimination, harassment, intimidation, bullying,  
33 or cyber-bullying shall be referred to the appropriate school counselor by the principal/designee when deemed  
34 necessary.<sup>8</sup>

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<sup>5</sup> TCA 49-2-120

<sup>6</sup> TCA 49-6-4503(b)(5)

<sup>7</sup> TCA 49-6-4503(b)(6)

<sup>8</sup> TCA 49-6-4503(b)(14)

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

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

8 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and complete  
9 investigation of each alleged incident. All investigations shall be completed and appropriate intervention taken  
10 within twenty (20) calendar days from the receipt of the initial report.<sup>4</sup> If the investigation is not complete or  
11 intervention has not taken place within twenty (20) calendar days, the principal/designee shall provide the director  
12 of schools with appropriate documentation detailing the reasons why the investigation has not been completed or  
13 the appropriate intervention has not taken place.<sup>4</sup> Within the parameters of the federal Family Educational Rights  
14 and Privacy Act<sup>9</sup>, a written report on the investigation will be delivered to the parents of the complainant, parents  
15 of the accused students and to the Director of Schools.

## 16 **BEHAVIOR EXPECTATIONS**

17 The Board expects all employees, volunteers and students to conduct themselves in a manner in keeping with  
18 their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and  
19 welfare of others. Appropriate behavior includes treating others with civility and respect, and rebutting to  
20 tolerate harassment or bullying.

## 21 **RESPONSE AND PREVENTION<sup>10</sup>**

22 School administrators shall consider the nature and circumstances of the incident, the age of the violator, the  
23 degree of harm, previous incidences or patterns of behavior, or any other factors, as appropriate to properly  
24 respond to each situation. Consequences for a student who commits such acts shall be unique to the individual  
25 incident and will vary in method and severity according to the nature of the behavior and must be consistent with  
26 the approved code of student conduct.

27 A substantiated charge against a student may result in corrective or disciplinary action up to and including  
28 suspension. The student may appeal this decision in accordance with the disciplinary policies and procedures.

29 A substantiated charge against an employee shall result in disciplinary action up to and including termination.  
30 The employee may appeal this decision by contacting the Title IX Coordinator or the Human Resource Director

31 Remedial measures shall be designed to correct the problem behavior, prevent another occurrence of the behavior  
32 and protect the victim of the act.

## 33 **REPORTS**

34 When a complaint is filed alleging a violation of this policy where there is physical harm or the threat of physical  
35 harm to a student or a student's property, the principal/designee of each middle school, junior high school, or high  
36 school shall report the findings and any disciplinary actions taken to the director of schools and the Board

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<sup>9</sup>20 U.S.C. § 1232g

<sup>10</sup> TCA 49-6-4503(b)(4),(7)-(8)

1 By July 1<sup>st</sup> of each year, the Director of schools/designee shall prepare a report of all the bullying cases brought  
2 the attention of school officials during the prior academic year. The report shall also indicate how the cases were  
3 resolved and/or the reasons they are still pending. This report shall be presented to the Board at the regular July  
4 meeting, and it shall be submitted the state department or education by August 1<sup>st</sup>.<sup>11</sup>

5 The director of schools shall develop forms and procedures to ensure compliance with the requirements of this  
6 policy and state law<sup>12</sup>

#### 7 **BYSTANDERS**

8 Since bystander support of harassment or bullying can promote these behaviors, the district encourages all  
9 witnesses to respond appropriately (safe intervention and reporting) when these behaviors are observed.

#### 10 **REPRISALS, RETALIATION AND FALSE ACCUSATIONS**

11 The Board prohibits reprisal or retaliation against any person who reports an act of harassment of bullying.

12 Retaliation against any person who reports or assists in any investigation of an act alleged in this policy is  
13 prohibited. The consequences and appropriate remedial action for a person who engages in retaliation shall be  
14 determined by the administrator after consideration of the nature, severity, and circumstances of the act.<sup>13</sup>

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

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<sup>11</sup> TCA 49-4503(c)(2)(B)

<sup>12</sup> TCA 49-6-4503(d)(3)

<sup>13</sup> TCA 49-6-4503(b)(9)