

# Williamson County Board of Education

Monitoring:

Review: Annually, in  
March

Descriptor Term:

## **Student Discrimination, Harassment, Bullying, Cyber-bullying, and Intimidation**

Descriptor Code:

**6.304**

Issued Date:

Rescinds:

Issued:

In order to maintain a safe, civil, and supportive environment in school for students to learn and achieve high academic standards, acts of bullying, cyber-bullying, discrimination, harassment, intimidation, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, are prohibited.<sup>1</sup>

This policy shall be disseminated annually to all school staff, students, and parent(s)/guardian(s).<sup>2</sup> This policy shall cover employees, employees' behaviors, students, and students' behaviors while on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop. If the act takes place off of school property or outside of a school-sponsored activity, this policy is in effect if the conduct is directed specifically at a student and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.<sup>3</sup>

The principal/designee is responsible for educating and training respective staff and students as to the definition and recognition of discrimination/harassment.<sup>4</sup>

The Superintendent of Schools shall develop forms and procedures to ensure compliance with the requirements of this policy and state law.

### **DEFINITIONS<sup>5</sup>**

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

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property;
3. Causing emotional distress to a student; or
4. Creating a hostile educational environment.

Bullying, intimidation, or harassment may also be unwelcome conduct based on a protected class (race, nationality, origin, color, sex, age, disability, religion) that is severe, pervasive, or persistent and creates a hostile environment. Such conduct may include, but is not limited to, physical acts, gestures, graphics, or words, written or spoken.

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

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

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

## COMPLAINTS AND INVESTIGATIONS

Any individual who has knowledge of behaviors that may constitute a violation of this policy shall promptly report such information to the principal/designee.<sup>7</sup> For purposes of receiving a report under this policy, the principal/designee shall make his/her contact information (name, address, phone number, and email) available to students and parent(s)/guardian(s) at the beginning of each school year. Nothing in this policy shall prohibit a student from pursuing a concurrent criminal complaint for harassing conduct that could also constitute a criminal offense.

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

The principal/designee at each school shall be responsible for investigating and resolving complaints. Once a report is received, the principal/designee shall initiate an investigation within forty-eight (48) hours of receipt of the report. If an investigation is not initiated within forty-eight (48) hours, the principal/designee shall provide the Superintendent of Schools with appropriate documentation detailing the reasons why the investigation was not initiated within the required timeframe.<sup>8</sup> The principal/designee shall immediately notify the parent(s)/guardian(s) when a student is involved in an act of discrimination, harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall provide information on district counseling and support services. Students involved in an act of discrimination, harassment, intimidation, bullying, or cyber-bullying shall be referred to the appropriate school counselor by the principal/designee when deemed necessary.<sup>9</sup>

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

1. It places the student in reasonable fear or harm for the student’s person or property;
2. It has a substantially detrimental effect on the student’s physical or mental health;

3. It has the effect of substantially interfering with the student's academic performance; or

4. 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.

Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. All investigations shall be completed and appropriate intervention taken within twenty (20) calendar days from the receipt of the initial report.<sup>8</sup> If the investigation is not complete or intervention has not taken place within twenty (20) calendar days, the principal/designee shall provide the Superintendent of Schools with appropriate documentation detailing the reasons why the investigation has not been completed or the appropriate intervention has not taken place.<sup>8</sup> Within the parameters of the federal Family Educational Rights and Privacy Act,<sup>10</sup> a written report on the investigation will be delivered to all involved parties and the Superintendent of Schools.

### **RESPONSE AND PREVENTION<sup>11</sup>**

The principal/designee shall consider the nature and circumstances of the incident, the age of the individual, the degree of harm, previous incidences or patterns of behavior, or any other factors, as appropriate, to properly respond to each situation.

A substantiated charge against an employee shall result in disciplinary action up to and including termination. The employee may appeal this decision by contacting the Superintendent of Schools.

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

### **REPORTS**

When a complaint is filed alleging a violation of this policy where there is physical harm or the threat of physical harm to a student or a student's property, the principal/designee of each middle school or high school shall report the findings and any disciplinary actions taken to the Superintendent of Schools and the Chair of the Board.<sup>12</sup>

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

### **RETALIATION AND FALSE ACCUSATIONS**

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

- 1 False accusations accusing another person of having committed an act prohibited under this policy are  
2 prohibited. The consequences and appropriate remedial action for a person found to have falsely accused  
3 another may range from positive behavioral interventions up to and including expulsion.<sup>15</sup>

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#### Legal References

1. TCA 49-6-4503(a), (b)(1), (b)(3)
2. TCA 49-6-4503(b)(11)
3. TCA 49-6-4502(a)(3)(B)
4. TCA 49-6-4503(b)(12)
5. TCA 49-6-4503(b)(2)
6. TCA 49-2-120
7. TCA 49-6-4503(b)(5)
8. TCA 49-6-4503(b)(6)
9. TCA 49-6-4503(b)(14)
10. 20 USCA § 1232g
11. TCA 49-6-4503(b)(4), (7)-(8)
12. TCA 49-6-4503(d)(3)
13. TCA 49-6-4503(c)(2)(B)
14. TCA 49-6-4503(b)(9)
15. TCA 49-6-4503(b)(10)
16. 20 USCA §§ 1681 to 1686

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#### Cross References

Appeals to and Appearances Before the Board 1.404  
Section 504 and ADA Grievance Procedures 1.802  
Title IX & Sexual Harassment 6.3041  
Student Complaints and Grievances 6.305  
Child Abuse and Neglect 6.409

# Williamson County Board of Education

Monitoring: <b>Review: Annually, in February</b>	Descriptor Term: <b>Discrimination / Harassment of Employees (Sexual, Racial, Ethnic, Religious)</b>	Descriptor Code: <b>5.500</b>	Issued Date:
		Rescinds:	Issued:

Employees shall be provided a work environment free from sexual, racial, ethnic, and religious discrimination/harassment. It shall be a violation of this policy for any employee or any student to discriminate against or harass an employee through disparaging conduct or communication that is sexual, racial, ethnic, or religious in nature.

Employee discrimination/harassment will not be tolerated.<sup>1</sup> Discrimination/harassment is defined as conduct, advances, gestures, or words, either written or spoken, of a sexual, racial, ethnic, or religious nature that:

1. Unreasonably interferes with the individual's work or performance;
2. Creates an intimidating, hostile, or offensive work environment;
3. Implies that submission to such conduct is made an explicit or implicit term of employment; or
4. Implies that submission to or rejection of such conduct will be used as a basis for an employment decision affecting the harassed employee.

Alleged victims of sexual, racial, ethnic, and religious discrimination/harassment shall report these incidents immediately.<sup>2</sup> This report shall be made to the immediate supervisor, except when the immediate supervisor is the offending party. If the immediate supervisor is the offending party, the report may be made to the Assistant Superintendent of Human Resources. Allegations of discrimination/harassment shall be fully investigated. An oral complaint may be submitted; however, such complaint shall be reduced to writing to ensure a more complete investigation. The complaint shall 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.

The privacy and anonymity of all parties and witnesses to complaints will be respected. However, because an individual's need for confidentiality shall be balanced with obligations to cooperate with

- 1 police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough  
2 investigation, or to take necessary action to resolve a complaint, the identity of parties and witnesses  
3 may be disclosed in appropriate circumstances to individuals with a need to know.
- 4 A substantiated charge against an employee shall result in disciplinary action, up to and including,  
5 termination. A substantiated charge against a student may result in corrective or disciplinary action, up  
6 to and including, suspension.
- 7 There will be no retaliation against any person who reports discrimination/harassment or participates in  
8 an investigation. However, any employee who refuses to cooperate or gives false information during the  
9 course of any investigation may be subject to disciplinary action. The willful filing of a false report will  
10 itself be considered harassment and will be treated as such.
- 11 An employee disciplined for violation of this policy may appeal the decision by contacting the  
12 Superintendent of Schools.

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#### Legal References

1. 29 CFR §1604.11; TCA 5-23-104
2. 20 USCA § 1681

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#### Cross References

Equal Opportunity Employment 5.104  
Complaints and Grievances 5.501  
Title IX & Sexual Harassment 6.3041