

# Franklin County School District Reporting and Investigation Procedures for Discrimination, Bullying, Cyberbullying, Harassment, Intimidation, and Hazing

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. Perceived traits and/or characteristics include but are not limited to race, color, or national origin.

These procedures shall be disseminated annually to all school staff, students, and parent(s)/guardian(s). These procedures 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.

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

The Director of Schools shall develop forms and procedures to ensure compliance with the requirements of this policy and state law. The link for these forms is given at the bottom of this document. This document outlines the reporting and investigation procedures related to FCBOE Policy 6.304 → Discrimination, Bullying, Cyberbullying, Harassment, Intimidation, and Hazing. These procedures are inclusive of staff to student interactions, student to student interactions, staff to staff interactions, etc.

## Definitions

**Bullying, harassment, or intimidation** is an act that substantially interferes with a student's educational benefits, opportunities or performance, and has the effect of:

- Physically harming a student or damaging a student's property;
- Knowingly placing the student or students in reasonable fear of physical harm to the student or damage to the student's property;
- Causing emotional distress to a student or students; or
- Creating a hostile educational environment.<sup>1</sup>

**Bullying, intimidation, or harassment** may also be unwelcome conduct based on a protected class (race, nationality, origin, color, sex, gender, or disability) that is severe, pervasive, or

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<sup>1</sup>T.C.A. § 49-6-4502

persistent and creates a hostile environment.

**Cyberbullying** is a form of bullying undertaken using 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.<sup>2</sup>

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

**Complainant** is an individual who is alleged to be the victim of conduct that could constitute discrimination, bullying, cyberbullying, harassment, intimidation, or hazing.

**Respondent** is an individual who is reported to be the perpetrator of conduct that could constitute discrimination, bullying, cyberbullying, harassment, intimidation, or hazing.

**Discrimination** is conduct that deprives a student of the benefit of an educational opportunity based on race, color, national origin, sex, gender, or disability.

**Retaliation** is any adverse action against an individual for filing a complaint or participating in an investigation.

**Title IX of the Education Amendments of 1972 (Title IX)** prohibits discrimination and harassment on the basis of sex and gender in all public schools.

**Title VI of the Civil Rights act of 1964 (Title VI)** prohibits discrimination and harassment on the basis of race, color, or national origin in all public schools.

**Section 504 of the Rehabilitation Act of 1973 (Section 504)** prohibits discrimination and harassment based on disability in all public schools.

### **Reporting, Complaints, and Investigations**

This procedure outlines the process for reporting discrimination, bullying, cyberbullying, harassment, intimidation, and hazing perpetrated by or against any student, school personnel, or volunteer by a student, school personnel, or volunteer that disrupts both a student's ability to learn and the school's ability to educate students in a safe and orderly environment. All school

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<sup>2</sup>T.C.A. § 49-6-4502

<sup>3</sup> T.C.A. § 49-2-120

employees are required to report allegations of discrimination, bullying, cyberbullying, harassment, intimidation, and hazing (including reports received from students, parents/guardians, volunteers, and visitors) and all other members of the school community, including students, parents/guardians, volunteers, and visitors, are encouraged to report any act that may be constitute discrimination, bullying, cyberbullying, harassment, intimidation, and hazing.

1. Any individual who has knowledge or suspicion of behaviors that may constitute a violation of Policy 6.3040, Discrimination, Bullying, Cyberbullying, Harassment, Intimidation, and Hazing shall promptly report the information to the school's principal or designee.<sup>4</sup>

a. The principal or designee shall determine whether the reported behavior falls under Policy 6.3040, Discrimination, Bullying, Cyberbullying, Harassment, Intimidation, and Hazing and/or Policy 6.3041, Title IX and Sexual Harassment. If unsure, the principal or designee shall contact the district's appropriate Civil Rights Coordinator (Chris Hawkersmith; 215 South College Street, Winchester, TN 37398; 931-967-0626; chris.hawkersmith@fcstn.net). The coordinator shall review the report and determine which policy is applicable. If unsure, the coordinator shall contact the district's legal counsel for additional support.

**b. If it is determined that the reported behavior could constitute discrimination or harassment on the basis of sex or gender or falls under Policy 6.3041, Title IX and Sexual Harassment, the principal or designee shall report it to the district's Title IX coordinator within 24 hours.** If the complaint is against the Title IX coordinator, the report shall be made to the director of schools. The Title IX coordinator will be responsible for overseeing the Title IX grievance process. Franklin County Schools' Title IX Coordinator is Chris Hawkersmith (215 South College Street, Winchester, TN 37398; 931-967-0626; chris.hawkersmith@fcstn.net).

**NOTE: Allegations meeting the definition of "sexual harassment" as determined by the Title IX Coordinator shall follow the procedures of Policy 6.3041 instead of the procedures outlined in this document. If the Title IX Coordinator determines that the allegations do not meet the definition of "sexual harassment" under Title IX, the allegations will be sent back to the principal or designee for investigation under Policy 6.3040 and the procedures outlined in this document.**

c. **If it is determined that the reported behavior could constitute discrimination or harassment on the basis of race, color, or national origin, the principal or designee shall report it to the district's Title VI Coordinator within 24 hours.** If the complaint is against the Title VI coordinator, the report shall be made to the director of schools. The Title VI coordinator will be responsible for overseeing the Title VI grievance process. The Title VI Coordinator is Heather Morgan (851 Dinah Shore Blvd, Winchester, TN 37398; 931-967-1279; heathermorgan@franklincountyfinance.com)

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<sup>4</sup> T.C.A. § 49-6-4503(b)(5)

- d. **If it is determined that the reported behavior could constitute discrimination or harassment on the basis of an individual's disability, the principal or designee shall report it to the district's Section 504 coordinator within 24 hours.** If the complaint is against the Section 504 coordinators the report shall be made to the director of schools. The Section 504 coordinator will be responsible for overseeing the Section 504 grievance process. The district 504 Coordinator is Sheri Smith (215 South College Street, Winchester, TN 37398; 931-967-0626; sheri.smith@fcstn.net).
  - e. **If it is determined that the reported behavior could constitute child abuse, the principal or designee shall report it to the school's Child Abuse coordinator within 24 hours and comply with Policy 6.4090.** If the complaint is against the Child Abuse coordinator, the report shall be made to the alternate child abuse coordinator. The Child Abuse coordinator shall also follow Policy 6.4090.
    - i. [School Level Positions FY 23](#) → This document (column U) gives the Child Abuse Coordinator at each school.
2. If it is determined that the reported behavior falls under Policy 6.3040, Discrimination, Bullying, Cyberbullying, Harassment, Intimidation, and Hazing, the principal or designee shall complete an Incident Report Form as soon as possible and no later than the end of the next school day following receipt of the incident report.
  3. Upon the determination of a violation, the principal or designee shall conduct a prompt, thorough, and complete investigation of each alleged incident. The principal or designee shall initiate an investigation within 48 hours after receipt of a report. If an investigation is not initiated within 48 hours, the principal or designee shall provide the director of schools (and if needed the appropriate civil rights coordinator) with appropriate written documentation detailing the reasons why the investigation was not initiated within the required timeframe. All investigations shall be completed and appropriate intervention taken within twenty (20) calendar days from the receipt of the initial report. If the investigation is not complete or intervention has not taken place within twenty (20) calendar days, the principal or designee shall provide the director of schools with appropriate written documentation detailing the reasons why the investigation was not completed within the required timeframe.
  4. The principal or designee shall immediately notify the parents/ guardians of any students reported to be involved in an act of discrimination, harassment, intimidation, bullying, or cyberbullying. The principal or designee shall provide information on school counseling and support services. Students involved in an act of discrimination, harassment, intimidation, bullying, or cyberbullying shall be referred to the appropriate school counselor by the principal or designee when deemed necessary. The principal or designee shall not disclose any information to the parents/guardians protected by the Family Educational Rights and Privacy Act (FERPA).

5. The principal or designee and other staff as appropriate shall determine the need for implementing, as appropriate, an interim safety plan for the parties involved in the alleged incident(s).
6. The principal or designee shall notify parents/guardians the outcome of the investigation. The principal or designee shall not disclose any information to the parents/guardians protected by the Family Educational Rights and Privacy Act (FERPA).

NOTE: Reports of bullying, harassment, intimidation, cyberbullying, hazing, or discrimination by school personnel or volunteers must ALSO be reported to the district's human resources office. The district human resource supervisor is Linda Foster (215 South College Street, Winchester, TN 37398; 931-967-0626; [linda.foster@fcstn.net](mailto:linda.foster@fcstn.net)).

### **Response and Prevention**

The principal or designee shall consider the nature and circumstances of the incident, the age of the individual, the degree of harm, previous incidents 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.

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 or designee shall report the findings and any disciplinary actions taken to the director of schools.

The director of schools or 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 submitted to the Department of Education by August 1.

### **Retaliation and False Accusations**

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

False accusations accusing another person of having committed an act prohibited under this

policy are prohibited. The consequences and appropriate remedial action for a person found to have falsely accused another may range from positive behavioral interventions up to and including suspension and expulsion.

[FCBOE Policy 6.304](#)

[6.304 - Student Discrimination-Harassment and Bullying-Intimidation](#) →