

# Hickman County Board of Education

Descriptor Term: <b>Student Discrimination/Harassment and Bullying/Intimidation and Cyberbullying</b>	Descriptor Code: <b>6.304</b>	Issued Date: <b>02/01/21</b>
	Rescinds: <b>6.304</b>	Issued: <b>07/06/20</b>

1 The Hickman County Board of Education has determined that a safe, civil, and supportive environment  
2 in school is necessary for students to learn and achieve high academic standards. In order to maintain  
3 that environment, acts of bullying, cyber-bullying, discrimination, harassment, hazing or any other  
4 victimization of students, based on any actual or perceived traits or characteristics, are prohibited.<sup>1</sup>

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

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

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

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

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

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

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

29 *Hazing* - An intentional or reckless act by a student or group of students that is directed against any  
30 other student(s) that endangers the mental or physical health or safety of the student(s) or that induces

1 or coerces a student to endanger his/her mental or physical health or safety. Coaches and other  
2 employees of the school district shall not encourage, permit, condone or tolerate hazing activities.

3 “Hazing” does not include customary athletic events or similar contest or competitions and is limited  
4 to those actions taken and situations created in connection with initiation into or affiliation with any  
5 organization.<sup>5</sup>

## 6 **COMPLAINTS AND INVESTIGATIONS**

7 Any individual who has knowledge of behaviors that may constitute a violation of this policy shall  
8 promptly report such information to the principal/designee.<sup>6</sup>

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

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

18 The principal/designee at each school shall be responsible for investigating and resolving complaints.  
19 Once a complaint is received, the principal/designee shall initiate an investigation within forty-eight  
20 (48) hours of receipt of the report.<sup>4</sup> If a report is not initiated within forty-eight (48) hours, the  
21 principal/designee shall provide the director of schools with appropriate documentation detailing the  
22 reasons why the investigation was not initiated within the required timeframe.<sup>7</sup>

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

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

- 31
- 32 • It places the student in reasonable fear or harm for the student's person or property;
  - 33 • It has a substantially detrimental effect on the student's physical or mental health;
  - 34 • It has the effect of substantially interfering with the student's academic performance; or
  - 35 • 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.

36 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and  
37 complete investigation of each alleged incident. All investigations shall be completed and appropriate  
38 intervention taken within twenty (20) calendar days from the receipt of the initial report.<sup>7</sup> If the

1 investigation is not complete or intervention has not taken place within twenty (20) calendar days, the  
2 principal/designee shall provide the director of schools with appropriate documentation detailing the  
3 reasons why the investigation has not been completed or the appropriate intervention has not taken  
4 place.<sup>7</sup>

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

6 School administrators shall consider the nature and circumstances of the incident, the age of the  
7 violator, the degree of harm, previous incidences or patterns of behavior, or any other factors, as  
8 appropriate to properly respond to each situation.

9 A substantiated charge against an employee shall result in disciplinary action up to and including  
10 termination. A substantiated charge against a student may result in corrective or disciplinary action up  
11 to and including suspension.

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

## 15 **REPORTS**

16 When a complaint is filed alleging a violation of this policy where there is physical harm or the threat  
17 of physical harm to a student or a student's property, the principal/designee of each middle school,  
18 junior high school, or high school shall report the findings and any disciplinary actions taken to the  
19 director of schools and the chair of the board of education.<sup>11</sup>

20 By July 1 of each year, the director of schools/designee shall prepare a report of all of the bullying  
21 cases brought to the attention of school officials during the prior academic year. The report shall also  
22 indicate how the cases were resolved and/or the reasons they are still pending. This report shall be  
23 presented to the board of education at its regular July meeting, and it shall be submitted to the state  
24 department of education by August 1.<sup>12</sup>

25 The director of schools shall develop forms and procedures to ensure compliance with the  
26 requirements of this policy and TCA 49-6-1016.

## 27 **RETALIATION AND FALSE ACCUSATIONS**

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

32 False accusations accusing another person of having committed an act prohibited under this policy are  
33 prohibited. The consequences and appropriate remedial action for a person found to have falsely  
34 accused another may range from positive behavioral interventions up to and including suspension and  
35 expulsion.<sup>14</sup>

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**Legal References**

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

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**Cross References**

Appeals to and Appearances Before the Board 1.404  
Section 504 and ADA Grievance Procedures 1.802  
Staff-Student Relations 5.610  
Student Goals 6.100  
Title IX & Sexual Harassment 6.3041  
Code of Conduct 6.300  
Student Concerns 6.305  
Reporting Child Abuse 6.409  
Emergency Contact Information 6.410  
Student Suicide Prevention 6.415