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Monitoring: <b>Review: Annually, in March</b>	Descriptor Term: <b>Student Discrimination, Harassment, Bullying, Cyber-bullying, and Intimidation</b>	Descriptor Code: <b>6.304</b>	Issued Date:
		Rescinds:	Issued:

1 The **Oneida** Board of Education has determined that a safe, civil, and supportive environment in school  
2 is necessary for students to learn and achieve high academic standards. In order to maintain that  
3 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. 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 discrimination/harassment.

#### 14 **DEFINITIONS**

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  
19 student or 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.

1 Hazing - An intentional or reckless act by a student or group of students that is directed against any  
2 other student(s) that endangers the mental or physical health or safety of the student(s) or that induces  
3 or coerces a student to endanger his/her mental or physical health or safety. Coaches and other  
4 employees of the school district shall not encourage, permit, condone, or tolerate hazing activities.<sup>2</sup>

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

## 8 **COMPLAINTS AND INVESTIGATIONS**

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 or his/her designee. All other members of the school community, including  
12 students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of  
13 this policy.

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

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

25 The principal or his/her designee shall notify the parent(s)/guardian(s) when a student is involved in an  
26 act of discrimination, harassment, intimidation, bullying, or cyber-bullying. The principal or his/her  
27 designee shall provide information on district counseling and support services. Students involved in an  
28 act of discrimination, harassment, intimidation, bullying, or cyber-bullying shall be referred to the  
29 appropriate school counselor by the principal or his/her designee when deemed necessary.<sup>1,4</sup>

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

- 33 • It places the student in reasonable fear or harm for the student’s person or property;
- 34
- 35 • It has a substantially detrimental effect on the student’s physical or mental health;
- 36
- 37 • It has the effect of substantially interfering with the student’s academic performance; or
- 38

- 1 • It has the effect of substantially interfering with the student's ability to participate in or benefit  
2 from the services, activities, or privileges provided by a school.

3 Upon the determination of a violation, the principal or his/her designee shall conduct a prompt,  
4 thorough, and complete investigation of each alleged incident. All investigations shall be completed  
5 and appropriate intervention taken within twenty (20) calendar days from the receipt of the initial  
6 report.<sup>4</sup> If the investigation is not complete or intervention has not taken place within twenty (20)  
7 calendar days, the principal or his/her designee shall provide the director of schools with appropriate  
8 documentation detailing the reasons why the investigation has not been completed or the appropriate  
9 intervention has not taken place.<sup>4</sup> Within the parameters of the federal Family Educational Rights and  
10 Privacy Act (FERPA) at 20 USCA § 1232g, a written report on the investigation will be delivered to  
11 the parents of the complainant, parents of the accused students, and to the director of schools.

## 12 **RESPONSE AND PREVENTION**

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

16 A substantiated charge against an employee shall result in disciplinary action up to and including  
17 termination. A substantiated charge against a student may result in corrective or disciplinary action up  
18 to and including suspension.

19 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal  
20 Rights Coordinator. Any student disciplined for violation of this policy may appeal the decision in  
21 accordance with disciplinary policies and procedures.

## 22 **REPORTS**

23 When a complaint is filed alleging a violation of this policy where there is physical harm or the threat  
24 of physical harm to a student or a student's property, the principal or his/her designee of each middle  
25 school, junior high school, or high school shall report the findings and any disciplinary actions taken to  
26 the director of schools and the chair of the board of education.

27 By July 1 of each year, the director of schools or his/her designee shall prepare a report of all of the  
28 bullying cases brought to the attention of school officials during the prior academic year. The report  
29 shall also indicate how the cases were resolved and/or the reasons they are still pending. This report  
30 shall be presented to the board of education at its regular July meeting, and it shall be submitted to the  
31 state department of education by August 1.

32 The director of schools shall develop forms and procedures to ensure compliance with the  
33 requirements of this policy and TCA 49-6-4503.

## 34 **RETALIATION AND FALSE ACCUSATIONS**

35 Retaliation against any person who reports or assists in any investigation of an act alleged in this  
36 policy is prohibited. The consequences and appropriate remedial action for a person who engages in

1 retaliation shall be determined by the administrator after consideration of the nature, severity, and  
2 circumstances of the act.

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

1. TCA 49-6-4503
2. TCA 49-2-120
3. 20 USCA §§ 1681 to 1686
4. TCA 49-6-4503(c)(2)(B)

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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  
Student Complaints and Grievances 6.305  
Code of Behavior and Discipline 6.300  
Student Suicide Prevention 6.415