

Hamilton County Board of Education			
Monitoring: Review: Annually in April	Descriptor Term:  <b>Student Discrimination/Harassment/Hazing and Bullying/Intimidation</b>	Descriptor Code: 6.304	Issued Date: 11/15/12
		Rescinded:	Revised: 05/11/23

## HAMILTON COUNTY BOARD OF EDUCATION'S EXPECTATION OF STUDENT CONDUCT

The Hamilton County Board of Education expects all students to treat each other with civility and respect and not to engage in behavior that is disruptive or violent. Hamilton County students are expected to behave in a way that does not interrupt the education of other students.

This policy addresses conduct taking place on school grounds, at any school-sponsored activity, on school-provided transportation or equipment, or at any school bus stop immediately before boarding and immediately following debarking. This policy also addresses any conduct taking place off school property or outside of the school sponsored activity if this conduct is directed at a specific student or students and has the effect of either creating a hostile educational environment or substantially disrupting the educational environment or learning process.<sup>1</sup>

## HAMILTON COUNTY BOARD OF EDUCATION'S COMMITMENT

The Hamilton County Board of Education is fully committed to providing a safe and orderly learning environment for all students in order for them to achieve academic success. This environment shall be free from discrimination, harassment, intimidation, sexual harassment, hazing, bullying or cyber-19 bullying.

The Hamilton County Board of Education will not tolerate acts of discrimination, harassment, sexual harassment, intimidation, hazing, bullying, or cyber-bullying toward students by other students or staff. In addition, the Board of Education will not tolerate conduct aimed at defining a student in a sexual manner, and or conduct impugning the character of a student based on allegations of alleged sexual promiscuity.<sup>12</sup>

## DISCRIMINATION AND HARRASSMENT

It shall be a violation of this policy for any employee or any student to discriminate against or harass another student on the basis of sex, gender identity, race, ethnicity, disability, or religion.<sup>2</sup> Discrimination and harassment will not be tolerated.<sup>3</sup>

For purposes of this policy, discrimination and harassment include words, gestures, threats, or any other conduct that is severe or pervasive and that creates a hostile environment that substantially interferes with or limits a student's ability to participate in or benefit from services, activities, or opportunities offered by a school.

Examples of discrimination and harassment include any act that, alone or in combination with other acts, has the effect of:

1. Unreasonably interfering with the student's work or educational opportunities; or
2. Creating an intimidating, hostile or offensive learning environment; or

3. Implying that submission to such conduct is made an explicit or implicit term of receiving grades or credit; or
4. Implying that submission to or rejection of such conduct will be used as a basis for determining the student's grades and/or participation in a student activity; or
5. Defining a student in a sexual manner; or
6. Impugning the character of a student based on allegations of sexual promiscuity.

## **BULLYING, CYBER-BULLYING, AND HAZING**

It shall be a violation of this policy for any student to bully or haze another student whether directly, through a third party, or through the use of electronic devices such as text messages or posts on social media sites.

For purposes of this policy, bullying, intimidation, and harassment includes any act that substantially interferes with a student's educational benefits, opportunities, or performance. If the act occurs on school grounds, on a school sponsored activity, on school sponsored transportation or at a school designated bus stop, it is bullying if it has the effect of, 1) harming a student or damaging his or her property; 2) knowingly placing a student in reasonable fear of harm to the student or to his or her property; 3) causing emotional distress to the student; or 4) creating a hostile educational environment. If the act occurs off school property or outside of any school sponsored activity, it is nevertheless bullying/intimidation/harassment if it is directed at a specific student or students and has the effect of creating a hostile educational environment or a substantial disruption to the educational environment or the learning process.<sup>4</sup>

Cyber-bullying is bullying that takes place using electronic technology. Electronic technology includes devices and equipment such as cell phones, computers, and tablets, as well as communication tools including social media sites, text messages, chat, and websites. Examples may include inappropriate text messages or emails, rumors sent by email or posted on social network sites, and embarrassing pictures, videos, websites, or fake profiles.

Hazing is any act intended or reasonably expected to endanger the physical or mental health of a student or students, or to humiliate, intimidate or demean a student or students in connection with joining or maintaining membership in any team or organization affiliated with any school or school program.<sup>5</sup>

## **PROCEDURES**

Victims of or witnesses to discrimination, harassment, intimidation, bullying, cyber-bullying, or hazing shall report these incidents immediately to a teacher, counselor, building administrator, or anonymously on the Quick Tip link located on the Hamilton County Department of Education website.<sup>6</sup> The willful filing of a false report will itself be considered harassment and/or bullying and will be treated as such.

Any staff member who witnesses any action that may be a violation of this policy or who receives any report of any alleged conduct that would constitute a violation of this policy must report to the principal/designee as quickly as possible, but in no event more than 24 hours after receiving the report.

If the principal is involved in the incident or if the adult/student is uncomfortable reporting the incident to the principal/designee of the school, the following reporting options can be used:

- Title VI Coordinator, Title VI of the Civil Rights Act of 1964 (race, color, national origin) 423-498-7021
- Title IX Coordinator, Title IX of the Education Act of 1972 (sex) 423-498-7221
- 504 Coordinator, Section 504 of the Rehabilitation Act of 1973 (disability) 423-498-7082

All allegations shall be fully investigated by a building administrator and/or school official. Investigations must commence as soon as possible but in no event more than 48 hours after the report unless the need for more time is appropriately documented. Investigations must be resolved within 20 days of the report unless the need for more time is appropriately documented.<sup>7</sup> 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>8</sup>

Every building administrator shall record complaints of discrimination, harassment, intimidation, bullying, cyberbullying, and hazing and shall document how the administrator or other school officials responded to each complaint and the final disposition of each complaint. Administrators may not take disciplinary action based solely upon anonymous complaints.<sup>9</sup>

At the end of each school quarter, each building administrator shall send a report summarizing complaints of discrimination, harassment, intimidation, bullying, cyber-bullying, and hazing to the Director of Schools. Each building administrator is expected to be aware of trends in his or her school and to investigate and respond accordingly.

Even when a complaint has not been reported anonymously, the confidentiality of all parties and witnesses will be respected. However, because confidentiality must be balanced against the school system's obligation to cooperate with police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough investigation, or to take necessary action to resolve a complaint, the identity of parties and witnesses, when known by school system officials, may be disclosed in appropriate circumstances to agencies and persons with a need to know.

There will be no retaliation against any person who reports harassment or participates in an investigation. However, any employee who refuses to cooperate or gives false information during the course of any investigation may be subject to disciplinary action. The consequences 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>10</sup>

False accusations accusing another person of having committed an act prohibited under this policy are prohibited. The consequences for a person found to have falsely accused another may range from positive behavioral interventions up to and including expulsion.<sup>11</sup>

Building administrators are responsible for educating and training their respective staff and students as to the terms of this policy and the procedures for reporting discrimination, harassment, intimidation, bullying, cyber-bullying, and hazing.

At the start of every school year, the policy should be review through the Code of Acceptable Behavior Conduct with Students acknowledging having read it and/or parents indicating having explained it to their child.

## CONSEQUENCES

For students, a substantiated charge of discrimination, harassment, intimidation, bullying, cyber-bullying, and hazing may result in consequences ranging from behavioral interventions to suspension or expulsion.

Additionally, acts of discrimination, harassment, intimidation, bullying, cyber-bullying, and hazing may also be prosecuted as criminal acts under the laws of the State of Tennessee.

The following factors will be considered in determining the consequences and appropriate remedial action:

- The developmental level and maturity levels of the parties involved;
- The levels of harm as determined by the student's ability to be educated in a safe and orderly environment;
- The surrounding circumstances;
- The nature of the behavior(s)
- Past incidences or continuing patterns of behavior;
- The relationships between the parties involved; and
- The context in which the alleged incidents occurred.

For employees, a substantiated charge shall result in disciplinary action up to and including termination. Additionally, acts of discrimination, harassment, intimidation, bullying, cyber-bullying, and hazing may also be prosecuted as criminal acts under the laws of the State of Tennessee.

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### Legal References:

1. TCA § 49-6-4502
2. TCA § 49-6-3109
3. TCA 49-2-2001(c)
4. Title VII
5. TCA 49-6-4502(3)
6. TCA 49-2-120(a)
7. TCA 49-6-4503(b)(5)
8. TCA 49-6-4503(b)(6)
9. TCA 49-6-4503(b)(14)
10. TCA 49-6-4503(b)(5)
11. TCA 49-6-4503(b)(9)
12. TCA 49-6-4503(b)(10)
13. TCA 49-6-4503(b)(13)

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### Cross References:

Davis v. Monroe County Board of Education,  
No. 97-843 Board 1.404 (U.S. Sup. Ct. May 24, 1999)