

Hamilton County Board of Education

Monitoring: Review: Annually, in April	Descriptor Term: Student Discrimination/Harassment/ Hazing and Bullying/Intimidation	Descriptor Code: 6.304 Rescinds: 6.304	Issued Date: 11/15/12 Issued:
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Discrimination/Harassment (Sexual, Racial, Ethnic, Religious)

Students shall be provided a learning environment free from sexual, racial, ethnic and religious discrimination/harassment.¹ It shall be a violation of this policy for any employee or any student to discriminate against or harass a student through disparaging conduct or communication that is sexual, racial, ethnic or religious in nature. The following guidelines are set forth to protect students from discrimination/harassment.

Student discrimination/harassment will not be tolerated.² Discrimination/harassment is defined as conduct, advances, gestures or words either written or spoken of a sexual, racial, ethnic or religious nature which:

1. Unreasonably interfere with the student's work or educational opportunities; or
2. Create an intimidating, hostile or offensive learning environment; or
3. Imply that submission to such conduct is made an explicit or implicit term of receiving grades or credit; or
4. Imply 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.

Bullying/Hazing/Intimidation/Cyber-Bullying

Students shall be provided a safe learning environment. It shall be a violation of this policy for any student to bully, haze, intimidate or create a hostile educational environment for another student whether either directly, through a third party, or through the use of electronic devices such as text messages or posts on social media sites. Bullying and intimidation are defined as either physically harming a student or damaging his/her property, or knowingly placing the student in reasonable fear of such, or creating a hostile educational environment. The policy addresses conduct taking place on school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop immediately before boarding and immediately following debarking.³ This policy also addresses any conduct taking place off of 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. Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher, counselor or building administrator.⁴ Any allegations shall be fully investigated by a complaint manager. Every building administrator shall record complaints of bullying, intimidation, or creation of a hostile educational environment and shall document how the administrator or other school officials responded to each complaint and the final disposition of each complaint. At the end of each school year, and no later than June 1st of each school year, each building administrator shall send a report summarizing these complaints to the Director of Schools.

1 The privacy and anonymity of all parties and witnesses to complaints will be respected. However,
2 because an individual's need for confidentiality must be balanced with obligations to cooperate with
3 police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough
4 investigation or to take necessary action to resolve a complaint, the identity of parties and witnesses
5 may be disclosed in appropriate circumstances to individuals with a need to know.
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7 A substantiated charge against an employee shall result in disciplinary action up to and including ter-
8 mination. A substantiated charge against a student may result in corrective or disciplinary action up to
9 and including suspension.
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11 There will be no retaliation against any person who reports harassment or participates in an investiga-
12 tion. However, any employee who refuses to cooperate or gives false information during the course of
13 any investigation may be subject to disciplinary action. The willful filing of a false report will itself be
14 considered harassment and will be treated as such.
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16 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal
17 Rights Coordinator or the director of schools. Any student disciplined for violation of this policy may
18 appeal the decision in accordance with disciplinary policies and procedures.
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20 This policy shall be published in the parent/student handbook distributed annually to every student.
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22 Building administrators are responsible for educating and training their respective staff and students as
23 to the definition and recognition of discrimination/harassment.
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38 Legal References:

- 39 1. TCA49-6-3109
- 40 2. Title VII; 29 CFR §1604.11;
41 *Davis v. Monroe County Board of Education*, No. 97-843
42 (U.S. Sup. Ct. May 24, 1999)
- 43 3. TCA 49-6-1014-1019
- 44 4. Title IX (20 U.S.C. §§ 1681-1686)
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Cross References:

Appeals To & Appearances Before The Board 1.404