

Dyer County Board of Education

Descriptor Term:

**Student Discrimination, Harassment,
Bullying, Cyber-bullying, and
Intimidation**

Descriptor Code:

JCAE

Board Approved:

2/2/21

Rescinds:

JCAE

JCAF

Board Approved:

1/5/13

6/26/12

1 In order to maintain a safe, civil, and supportive environment in school for students to learn and achieve
2 high academic standards, acts of bullying, cyber-bullying, discrimination, harassment, intimidation,
3 hazing, or any other victimization of students, based on any actual or perceived traits or characteristics,
4 are prohibited.¹

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

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14 The principal/designee is responsible for educating and training respective staff and students as to the
15 definition and recognition of discrimination/harassment.³

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17 The Director of Schools shall develop forms and procedures to ensure compliance with the requirements
18 of this policy and state law.

19 **DEFINITIONS⁴**

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22 "Bullying/Intimidation/Harassment" is an act that substantially interferes with a student's educational
23 benefits, opportunities, or performance, and the act has the effect of:

- 24
25 1. Physically harming a student or damaging a student's property;
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27 2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the
28 student's property;
- 29
30 3. Causing emotional distress to a student; or
- 31
32 4. Creating a hostile educational environment.

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

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39 "Cyber-bullying" is a form of bullying undertaken through the use of electronic devices. Electronic
40 devices include, but are not limited to, telephones, cellular phones or other wireless telecommunication
41 devices, text messaging, emails, social networking sites, instant messaging, videos, web sites, or fake
42 profiles.

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

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7 Hazing does not include customary athletic or similar contests or competitions and is limited to those
8 actions taken and situations created in connection with initiation into or affiliation with any organization.⁵
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10 **COMPLAINTS AND INVESTIGATIONS**

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12 Any individual who has knowledge of behaviors that may constitute a violation of this policy shall
13 promptly report such information to the principal/designee.⁶
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15 While reports may be made anonymously, an individual’s need for confidentiality shall be balanced with
16 obligations to cooperate with police investigations or legal proceedings, to provide due process to the
17 accused, to conduct a thorough investigation, or to take necessary actions to resolve a complaint. The
18 identity of the parties and witnesses may be disclosed in appropriate circumstances to individuals with a
19 need to know.
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21 The principal/designee at each school shall be responsible for investigating and resolving complaints.
22 Once a report is received, the principal/designee shall initiate an investigation within forty-eight (48) hours
23 of receipt of the report. If an investigation is not initiated within forty-eight (48) hours, the
24 principal/designee shall provide the Director of Schools with appropriate documentation detailing the
25 reasons why the investigation was not initiated within the required timeframe.⁷ The principal/designee
26 shall immediately notify the parent(s)/guardian(s) when a student is involved in an act of discrimination,
27 harassment, intimidation, bullying, or cyber-bullying. The principal/designee shall provide information
28 on district counseling and support services. Students involved in an act of discrimination, harassment,
29 intimidation, bullying, or cyber-bullying shall be referred to the appropriated school counselor by the
30 principal/designee when deemed necessary.⁸
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32 The principal/designee is responsible for determining whether an alleged act constitutes a violation of this
33 policy, and such act shall be held to violate this policy when it meets one of the following conditions:
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- 35 1. It places the student in reasonable fear or harm for the student’s person or property;
- 36 2. It has a substantially detrimental effect on the student’s physical or mental health;
- 37 3. It has the effect of substantially interfering with the student’s academic performance; or
- 38 4. It has the effect of substantially interfering with the student’s ability to participate in or benefit from
39 the services, activities, or privileges provided by a school.
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44 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough, and
45 complete investigation of each alleged incident. All investigations shall be completed and appropriate
46 intervention taken within twenty (20) calendar days from the receipt of the initial report.⁷
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If the investigation is not complete or intervention has not taken place within twenty (20) calendar days, the principal/designee shall provide the Director of Schools with appropriate documentation detailing the reasons why the investigation has not been completed or the appropriate intervention has not taken place.⁷ Within the parameters of the federal Family Educational Rights and Privacy Act,⁹ a written report on the investigation will be delivered to all involved parties and the Director of Schools.

RESPONSE AND PREVENTION¹⁰

The principal/designee shall consider the nature and circumstances of the incident, the age of the individual, the degree of harm, previous incidences or patterns of behavior, or any other factors, as appropriate, to properly respond to each situation.

A substantiated charge against any employee shall result in disciplinary action up to and including termination. The employee may appeal this decision by contacting the Federal Rights Coordinator.

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/designee of each middle school, junior high school, or high school shall report the findings and any disciplinary action taken to the Director of Schools and the Chair of the Board.¹¹

By July 1st of each year, the Director of Schools/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 presented to the Board at its regular July meeting, and it shall be submitted to the state department of education by August 1st.¹²

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 principal/designee after consideration of the nature, severity, and circumstances of the act.¹³

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 expulsion.¹⁴

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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)