

Wilson County Board of Education

Policy Description:

Student Discrimination/Harassment/Intimidation/Bullying

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6.304

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1 The Wilson County Board of Education is committed to safeguarding the right of all students within the school
2 system to learn and work in an environment that is free from all forms of
3 discrimination/harassment/intimidation/bullying. Any act of bullying or of discrimination/harassment/intimidation
4 based on race, color, religion, creed, sex, national origin, age, disability, or any other classification protected by
5 law is contrary to basic standards of conduct between individuals and is prohibited.

6
7 It is the intent of this policy to set forth guidelines for handling violations of the policy and to specify the related
8 complaint-handling procedure.

9
10 This policy applies to all students of the Wilson County School System. It addresses conduct taking place on
11 school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus
12 stop.

13
14 It shall be a violation of this policy for any student of the school system to discriminate against, harass,
15 intimidate, or bully a student or an employee through conduct or communication as defined by this policy.

16
17 The school system will act to investigate all complaints, either formal or informal, verbal or written, of
18 discrimination/harassment/intimidation/bullying and to discipline any student who discriminates against,
19 harasses, intimidates, or bullies a student or employee of the school system.

20
21 Discrimination/harassment/intimidation/bullying are prohibited by one or more of the following: the Equal
22 Employment Opportunity Commission, Title II of the Americans with Disabilities Act, Title IX of the Education
23 Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the
24 Tennessee Human Rights Act, state regulations, and board policy.

25 26 **DISCRIMINATION/HARASSMENT:**

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28 For the purpose of this policy, discrimination/harassment may include, but is not limited to,

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1. Graffiti, notes, or cartoons containing discriminatory language; name calling, jokes, or rumors;
 2. Negative stereotypes and hostile acts which are based upon a person's race, color, religion, creed, sex, national origin, age, disability, or any other classification protected by law;

3. Written or graphic material containing discriminatory comments or stereotypes that is posted or circulated and which is aimed at degrading individuals or members of protected classes;
4. Threatening or intimidating conduct directed at another because of race, color, religion, creed, sex, national origin, age, disability, or any other classification protected by law;
5. A physical act of aggression or assault, or other acts of aggressive conduct upon another because of, or in a manner reasonably related to an individual's race, color, religion, creed, sex, national origin, age, disability, or any other classification protected by law;
6. Denial of participation in programs, activities, etc., because of race, color, religion, creed, sex, national origin, age, disability, or any other classification protected by law.

WHEN

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or
2. Submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's employment or education; or
3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering with an individual's employment or education, or creating an intimidating, hostile, or offensive employment or education environment. Any discrimination/harassment as defined, when perpetrated on any student or employee by any student or employee, will be treated as discrimination/harassment under this policy.

SEXUAL HARASSMENT:

For the purpose of this policy, sexual harassment may include, but is not limited to, the following:

1. Verbal harassment or abuse;
2. Subtle pressure for sexual activity;
3. Inappropriate patting or pinching;
4. Intentional brushing against a student's or an employee's body;
5. Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status;
6. Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or education status; or
7. Any sexually motivated unwelcome touching.

WHEN

1. Submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or retaining employment, or of obtaining an education; or

- 1 2. Submission to or rejection of that conduct or communication by an individual is used as a factor in
- 2 decisions affecting that individual's employment or education; or
- 3 3. That conduct or communication has the purpose or effect of substantially or unreasonably interfering
- 4 with an individual's employment or education, or creating an intimidating, hostile, or offensive
- 5 employment or education environment. Any discrimination/harassment as defined when perpetrated
- 6 on any student or employee by any student or employee, will be treated as discrimination/harassment
- 7 under this policy.

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9 **INTIMIDATION/BULLYING:**

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11 For the purpose of this policy, intimidation/bullying (to include cyber bullying) may include, but is not limited to,

12 either physically harming a student or employee or damaging his/her property, or knowingly placing the

13 student/employee in reasonable fear of such, or creating a hostile educational/working environment. The policy

14 addresses conduct taking place on school grounds, at any school sponsored activity, on school provided

15 transportation, or at any official school bus stop immediately before boarding and immediately following

16 deboarding.¹

17
18 **REPORTING PROCEDURES:**

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20 Any person who believes he/she has been the victim of discrimination/harassment/intimidation/bullying by a

21 student, employee, third party, or consultant, or any third person with knowledge or belief of conduct which may

22 constitute discrimination/harassment/intimidation/bullying shall report the alleged acts immediately to an

23 appropriate school system official as designated by this policy. In all cases, a complaint must be filed within

24 sixty (60) working days from the occurrence of the alleged discrimination/harassment/intimidation/bullying, unless

25 otherwise stipulated in state or federal law.

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27 It should be noted that, at any time, complaints of discrimination/harassment/intimidation/bullying may be made

28 to the appropriate state and/or federal offices.

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- 30 **a. Step 1:**
- 31 The school principal/department supervisor is the person responsible for receiving verbal or
- 32 written reports of discrimination/harassment/intimidation/bullying at Step 1. Students may
- 33 report alleged incidents to a teacher, counselor, or building administrator who shall
- 34 immediately notify the building principal. The principal shall inform the student(s) of the
- 35 procedures as outlined in this policy. A complaint shall include the following information:
- 36 identity of the alleged victim and person accused; location, date, time, and circumstances

¹ TCA 49-6-1014 to 1019

1 surrounding the alleged incident; a description of what happened; identity of witnesses; and
2 any other evidence which is relevant.

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4 Upon receipt of a report (verbal or written), the principal/departmental supervisor must notify
5 the Director of Schools, in writing, within twenty-four (24) hours without screening or
6 investigating the report and shall forward the complaint (including any written documents) to
7 the designated building level/work site complaint managers who shall investigate said complaint
8 and forward a written summary of the investigation to the principal/department supervisor, the
9 Director of Schools, and the complainant, his/her parent/guardian within twenty (20) working
10 days. The principal/complaint manager must also notify the complaining student's
11 parent/guardian within the same twenty-four hours. The parent/guardian shall be given notice
12 of the right to attend an interview of the student in a non-intimidating environment in order to
13 elicit full disclosure of the student's allegations. The interview shall take place within five (5)
14 days from the time the complaint was first made. If no parent/guardian attends the interview,
15 another adult, mutually agreed upon by the student and the complaint manager, shall attend
16 and may serve as the student's advocate. If the complaint involves the school principal or
17 departmental supervisor, the complaint shall be filed directly with the Director of Schools.

18
19 **b. Step 2:**

20 If the complaint is not resolved at Step 1, the complainant shall file a formal written complaint
21 with the Director of Schools, using the form available in each school office and work site. This
22 must be filed within five (5) working days of receipt of the written summary. Upon receipt of a
23 formal, written complaint, the Director shall forward said complaint to the appropriate system-
24 level personnel who shall investigate the alleged incident, following guidelines specific to
25 his/her area of responsibility. A written report of the investigation shall be forwarded to the
26 Director, within thirty (30) working days. The Director shall respond to the complainant, in
27 writing, within ten (10) working days of receipt of said report. A copy of the report shall be
28 forwarded to all parties, including the principal/department supervisor, complainant and his/her
29 parent/guardian.

30
31 **c. Step 3:**

32 If the complaint is not resolved at Step 2, the complainant shall request to appear before the
33 Board of Education at the next regular meeting. Upon hearing the alleged complaint, the
34 Board of Education shall respond in writing to the complainant within thirty (30) working days.

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36 It is noted that failure to forward any complaint or report as provided in this policy will result in disciplinary action.

37
38 Submission of a complaint or report of discrimination/harassment/intimidation/bullying will not affect an
39 individual's future employment, work assignment, grades, or the right to participate in school activities. A school
40 employee who promptly reports an act of discrimination/harassment to the appropriate school official in

1 compliance with the procedures as set forth in this policy is immune from a cause of action for damages arising
2 from any failure to remedy the reported act.

3
4 The school system will respect the confidentiality of the complainant and the individuals against whom the
5 complaint is filed as much as possible, consistent with the school system's legal obligations and the necessity to
6 investigate allegations of discrimination/harassment/intimidation/bullying and to take disciplinary action when the
7 conduct has occurred.

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9 **INVESTIGATION AND RECOMMENDATION:**

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11 1. The investigation of an alleged incident of discrimination/harassment/intimidation/bullying may
12 consist of personal interviews with the complainant, the individual(s) against whom the
13 complaint is filed, and others who may have knowledge of the alleged incident(s) or
14 circumstances giving rise to the complaint. The investigation may also consist of any other
15 methods and documents deemed pertinent by the investigator. In addition, the school system
16 may take immediate steps, at its discretion, to protect the complainant, students, and
17 employees pending completion of an investigation of the alleged incident.
- 18 2. The school system recognizes that not every advance or consent of a sexual nature
19 constitutes sexual harassment. Whether a particular action or incident is a personal, social
20 relationship without a discriminatory employment effect requires a determination based on all
21 the facts and surrounding circumstances. In determining whether alleged conduct constitutes
22 sexual harassment, the school system should consider the surrounding circumstances, the
23 nature of the sexual advances, relationships between the parties involved, and the context in
24 which the alleged incident occurred.

25
26 **SCHOOL DISTRICT ACTION:**

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28 1. Upon receipt of a recommendation that the complaint is valid, the school system will take such
29 action as appropriate based on the results of the investigation.
- 30 2. The result of the investigation of each complaint filed under these procedures, and reported in
31 writing to the complainant by the school system, shall document any disciplinary action as a
32 result of the complaint.

33
34 **REPRISAL:**

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36 The school system will discipline any individual who retaliates either against any person who reports alleged
37 discrimination/harassment/intimidation/bullying or against any person who testifies, assists, or participates in an
38 investigation, proceeding, or hearing related to a complaint. (Said discipline shall be in accordance with policies
39 and procedures of the Wilson County School System.) Retaliation includes, but is not limited to, any form of
40 intimidation, reprisal, harassment, discrimination, or bullying.

1 **FALSE ACCUSATIONS:**

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3 False accusations of discrimination/harassment/intimidation/bullying can have a serious detrimental effect on
4 innocent parties. Any person, who knowingly and intentionally makes a false accusation of
5 discrimination/harassment/intimidation/bullying for any reason which would be contrary to the spirit and intent of
6 this policy, shall be subject to appropriate disciplinary action as stipulated in Board policies and procedures (to
7 include, but not be limited to the student discipline code).

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9 **RIGHT TO ALTERNATIVE COMPLAINT PROCEDURES:**

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11 These procedures do not deny the right of any individual to pursue other avenues of recourse which may include
12 filing charges with the Tennessee Department of Human Rights, or the Office of Civil Rights (state and/or
13 federal), initiating civil action, or seeking redress under state criminal statutes and/or federal law.

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15 **SEXUAL HARASSMENT AS SEXUAL ABUSE:**

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17 Under certain circumstances, sexual harassment may constitute sexual abuse under Tennessee law. In such
18 situations, the school system shall comply with Tennessee law regarding the reporting to appropriate authorities
19 of sexual abuse.

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21 **DISCIPLINE:**

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23 Any school system action taken pursuant to this policy shall be consistent with requirements of applicable
24 negotiated agreements, Tennessee statutes and case law, and school system policies. The school system will
25 take such disciplinary action as it deems necessary and appropriate to end
26 discrimination/harassment/intimidation/bullying and prevent its recurrence.

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28 **NOTIFICATION:**

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30 Information concerning the above policy shall be published annually in the agenda book distributed to every
31 student and in the local print media.

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33 **COMPLAINT MANAGERS:**

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35 The Director of Schools shall designate at least two (2) complaint managers, one of each gender, for each
36 school/worksite. In addition, the Director shall identify the names of system-level managers who are responsible
37 for coordinating the system's compliance efforts.

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