

Sample Bullying and Harassment Policy

This policy is intended only to be a sample and does not represent legal advice. Local board attorneys should review all policies prior to adoption.

General Statements and Definitions

The (LEA name) Board of Education has determined that a safe, civil, and supportive environment in school is necessary for students to learn and achieve high academic standards. In order to maintain that environment, the (LEA name) Board of Education prohibits acts of harassment, bullying, cyber-bullying, intimidation, or any other victimization of students, based on any actual or perceived traits or characteristics. To that end, the (LEA name) Board of Education has in place processes and procedures to address incidents of bullying and harassment.

This policy will be annually disseminated to all school staff, students, and parents and may be publicized in student handbooks and district/school web sites. This policy is in effect while students are on school property, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop. If the act takes place off school property or outside of a school-sponsored activity, this policy is in effect if the conduct is directed specifically at a student or students and has the effect of creating a hostile educational environment or otherwise creating a substantial disruption to the education environment or learning process.

Pursuant to Tenn. Code Ann. § 49-6-1015, "Harassment, intimidation, or bullying" means an act that substantially interferes with a student's educational benefits, opportunities, or performance and the act has the effect of:

- Physically harming a student or damaging a student's property;
- Knowingly placing a student or students in reasonable fear of physical harm to the student or damage to the student's property;
- Causing emotional distress to a student or students; or
- Creating a hostile educational environment.

Tenn. Code Ann. § 49-6-15, defines "Cyber-bullying" as bullying undertaken through the use of electronic devices. Electronic devices include, but are not limited to, telephones, cellular phone or other wireless telecommunication devices, text messaging, emails, social networking sites, instant messaging, videos, web sites or fake profiles.

The U.S. Department of Education Office for Civil Rights further clarifies "harassment" as conduct that meets the following criteria:

- Unwelcome conduct based on a protected class (race, national, origin, color, gender, age, disability, religion) that is severe, pervasive, or persistent and creates a hostile environment.

- “Sexual Harassment” includes unwelcome conduct of a sexual nature, which can include unwelcome sexual advances, requests for sexual favors, or other verbal, nonverbal, or physical conduct of a sexual nature.

Other acts of violent behavior may include:

“Hazing” which involves any intentional or reckless act, on or off LEA property, by one student acting alone or with others that is directed against any other student, that endanger the mental or physical health or safety of that student or that induces or coerces a student to endanger that student’s mental or physical health or safety. See Tenn. Code Ann. § 49-2-120.

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

When looking at the totality of the circumstances, harassment, bullying, cyber-bullying, or any other disruptive or violent behavior includes conduct such as gestures, written, verbal, graphic, or written acts, including electronically transmitted acts, toward a student which is based on any actual or perceived trait or characteristic of the student and creates an educational environment that meets one or more of the following conditions:

- Places the student in reasonable fear or harm to the student’s person or property;
- Has substantially detrimental effect on the student’s physical or mental health;
- Has the effect of substantially interfering with the student’s academic performance; or
- Has the effect of substantially interfering with the student’s ability to participate in or benefit from the services, activities, or privileges provided by a school.

Reporting and Investigations

The (LEA name) Board of Education requires the principal and/or principal’s designee, at each school to be responsible for investigating and resolving complaints alleging violations of this policy. The principal and/or principal’s designee is responsible for determining whether an alleged act constitutes a violation of this policy. In doing so, the principal and/or principal’s designee, shall conduct a prompt, thorough, and complete investigation of each alleged incident. Within the parameters of the federal Family Educational Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g, a written report on the investigation will be delivered to the parents of the complainant and accused students and to the Director of Schools.

All school employees are required to report alleged violations of this policy to the principal and/or principal’s designee. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy. Reports may be made anonymously; however, such complaints may affect the school’s ability to issue formal disciplinary action.

LEA Prevention and Intervention Response

Consequences and appropriate remedial actions for anyone who commits one or more acts of harassment, bullying, or other acts of violent behavior may range from positive behavioral interventions up to and including suspension or expulsion, as set forth in the Board of Education's approved code of conduct.

School administrators shall consider the nature and circumstances of the incident, the age and maturity of the student, the degree of harm, previous incidences or patterns of behavior, or any other factors, as appropriate to properly respond to each situation. Consequences for a student who commits an act of harassment, bullying, or other act of violent behavior shall be unique to the individual incident and will vary in method and severity according to the nature of the behavior, the developmental age of the student, and the student's history of problem behaviors and performance, and must be consistent with the Board of Education's approved code of student conduct.

Remedial measures shall be designed to:

- Correct the problem behavior;
- Prevent other occurrences of the behavior; and
- Protect the complainant of the act.

Effective discipline should employ a school-wide approach to adopt a procedure of handling harassment or bullying offenses and the associated consequences. This procedure should reflect appropriate potential consequences in accordance with discipline policies. The Director of Schools shall be responsible for the development and enforcement of this requirement.

Reprisal, Retaliation, and False Accusations

The (LEA name) Board of Education prohibits reprisal or retaliation against any person who reports or assists in any investigation of an act alleged in this policy. The consequences of appropriate remedial action for a person who engages in reprisal or retaliation shall be determined by the administrator after consideration of the nature, severity, and circumstances of the act.

The (LEA name) Board of Education prohibits any person from falsely accusing another of having committed an act of harassment or bullying as means of reprisal or retaliation or of harassment or bullying. The consequences and appropriate remedial action for a person found to have falsely accused another as a means of reprisal or retaliation or harassment or bullying may range from positive behavioral interventions up to and including suspension and expulsion.