

Tennessee School Boards Association

Monitoring: Review: Annually, in April	Descriptor Term: Student Discrimination/Harassment and Bullying/Intimidation	Descriptor Code: 6.304	Issued Date:
		Rescinds:	Issued:

1 **Discrimination/Harassment (Sexual, Racial, Ethnic, Religious)**

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

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

- 12 1. Unreasonably interfere with the student's work or educational opportunities; or
- 13 2. Create an intimidating, hostile or offensive learning environment; or
- 14 3. Imply that submission to such conduct is made an explicit or implicit term of receiving grades
15 or credit; or
- 16 4. Imply that submission to or rejection of such conduct will be used as a basis for determining
17 the student's grades and/or participation in a student activity.

18 **Bullying/Intimidation**

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20 Students shall be provided a safe learning environment. It shall be a violation of this policy for any student
21 to bully, intimidate or create a hostile educational environment for another student. Harassment, bullying
22 and intimidation occurs, if the act takes place on school grounds, at any school-sponsored activity, on
23 school-provided equipment or transportation or at any official school bus stop, if the act either physically
24 harms a student or damages his/her property, or knowingly places the student in reasonable fear of such,
25 causes emotional distress to a student or students, or creates a hostile educational environment. If the act
26 takes place off school property or outside of a school-sponsored activity, an act of harassment, bullying or
27 intimidation occurs if the act is directed specifically at a student or students and has the effect of creating
28 a hostile educational environment or otherwise creating a substantial disruption to the education environ-
29 ment or learning process. These acts may also take place through electronic means.³

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31 Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher,
32 counselor or building administrator.⁴ Any allegations shall be fully investigated by a complaint manager
33 (as set forth in *Student Concerns, Complaints and Grievances 6.305*).

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35 The privacy and anonymity of all parties and witnesses to complaints will be respected. However,
36 because an individual's need for confidentiality must be balanced with obligations to cooperate with
37 police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough
38 investigation or to take necessary action to resolve a complaint, the identity of parties and witnesses
39 may be disclosed in appropriate circumstances to individuals with a need to know.
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A substantiated charge against an employee shall result in disciplinary action up to and including termination. A substantiated charge against a student may result in corrective or disciplinary action up to and including suspension.

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 willful filing of a false report will itself be considered harassment and will be treated as such.

An employee disciplined for violation of this policy may appeal the decision by contacting the Federal Rights Coordinator or the _____. Any student disciplined for violation of this policy may appeal the decision in accordance with disciplinary policies and procedures.

This policy shall be published in the parent/student handbook distributed annually to every student.

Building administrators are responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.

Coaches and other employees of the school district shall not encourage, permit, condone or tolerate hazing activities.⁵

Legal References:

- 1. TCA 49-6-3109
- 2. Title VII; 29 CFR §1604.11;
Davis v. Monroe County Board of Education, No. 97-843
(U.S. Sup. Ct. May 24, 1999)
- 3. TCA 49-6-1014-1019
- 4. Title IX (20 U.S.C. §§ 1681-1686)
- 5. TCA 49-2-120

Cross References:

- Appeals To & Appearances Before the Board 1.608
- Staff-Student Relations 5.610
- Student Complaints and Grievances 6.305