

Shelby County Board of Education
HARASSMENT, INTIMIDATION, BULLYING OR
CYBERBULLYING

6046

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I. PURPOSE

To prohibit harassment, bullying, intimidation, and cyber-bullying and outline guidelines for identifying, addressing and disciplining student harassment, bullying, intimidation, or cyber-bullying.

II. SCOPE

This policy applies to all students in the Shelby County Schools system.

III. POLICY STATEMENT

Student harassment, intimidation, bullying or cyberbullying will not be tolerated. Additionally, the following conduct will not be tolerated:

- Conduct aimed at defining a student in a sexual manner
- Conduct impugning the character of a student based on allegations of sexual promiscuity.
- Conduct motivated by any actual or perceived characteristic, including but not limited to, race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity and expression, a mental, physical or sensory disability, socio-economic or familial status

A. Definition

Tennessee law defines “harassment, intimidation, bullying or cyberbullying¹” as acts that substantially interfere with a student's educational benefits, educational opportunities, or educational performance, and:

1. If the act takes place on school grounds, at any school-sponsored activity, on school-provided equipment or transportation, or at any official school bus stop, the act has the effect of:
 - a. Physically harming a student or damaging a student's property;
 - b. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student's property;
 - c. Causing emotional distress to a student or students; or
 - d. Creating a hostile educational environment.

or

2. If the act takes place off school property or outside of a school-sponsored activity, it 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 educational environment or learning process.

B. Reporting

Alleged victims of harassment, intimidation, bullying, or their parents or guardians shall report these incidents immediately to the Principal or building level administrator. Any reports made to staff should be forwarded to the Principal or building level administrator immediately but no later than 24 hours of the expressed concern. Anonymous reports may be made, however, disciplinary action may not be based solely on an anonymous report.

¹ Cyberbullying means bullying undertaken through the use of electronic devices. “Electronic devices” includes, but are not limited to, telephones, cellular phones or other wireless telecommunication devices, personal digital assistants, computers, electronic mail, instant messaging, text messaging and websites.

The Shelby County Board of Education has adopted the “Safe School Tips” program which allows any parent, student, teacher, or employee to report information about illegal or inappropriate activities, including but not limited to bullying, theft, distribution or sale of drugs, possession of weapons, etc.

“**Safe-School Web-Tips**” should be sent to <http://www.tipsubmit.com> or text to 274637, you will then be asked to type in a “code”, the code is **SCS**, then start typing the text message.

Any complaints of harassment, intimidation or bullying should include the following information:

- Identity of the alleged victim and the person accused;
- Location, date, time and circumstances surrounding alleged incident;
- Description of what happened;
- Identity of witnesses; and
- Any other evidence available.

(See also, 7005 Mandatory Police Reports)

C. Investigation

1. If the complainant is not the parent or guardian, the parents/guardians of alleged victim shall be notified of the reported conduct by phone or in person prior to the end of the school day upon which the conduct was reported. The Principal or his/her designee shall promptly and fully investigate allegations of harassment, intimidation, bullying cyberbullying. The Principal or building level administrator will revisit substantiated incidents and all follow-up efforts conducted will be appropriately documented.

2. After a complete investigation, if the allegations are substantiated, immediate and appropriate corrective or disciplinary action shall be initiated pursuant to the Shelby County Board of Education's Discipline Policy if the offender is a student. A substantiated charge against an employee may subject such employee to disciplinary action up to and including termination.

The Principal or his/her designee will meet with and advise the complainant and their parent/guardian regarding the findings, and whether corrective

measures, and/or disciplinary actions were taken. The investigation and response to the complainant will be completed within twenty (20) school days.

A substantiated charge against a student may result in corrective or disciplinary action up to and including expulsion. Additionally, under state law, behavior constituting cyber-bullying may be prosecuted as a delinquent act.

D. Right of Appeal – Students/Parents

1. If the complainant is not in agreement with the Principal's or his/her designee's the complainant may, within five (5) school days, contact the Shelby County Schools' Federal Rights Coordinator (FRC) at 160 South Hollywood, Memphis, Tennessee 38112; Telephone (901) 321-2520. Within five (5) school days the FRC or his/her designee will review the investigation of the alleged charges. Upon completion of the review, the “FRC” will meet with and advise the complainant regarding the findings, and whether corrective measures, and/or disciplinary actions were taken.

2. If the complainant is not in agreement with the findings of the FRC, an appeal may be made, within five (5) school days, to the Superintendent. Within five (5) school days, the Superintendent will review the investigation and provide a written advisory to the complainant whether corrective measures and/or disciplinary actions were taken.

E. Right of Appeal - Employees

An employee disciplined pursuant to this policy may appeal the decision by contacting the Federal Rights Coordinator at 2800 Grays Creek Drive, Arlington, Tennessee 38002 ; Telephone (901) 473-2575. Any student disciplined pursuant to this policy may appeal the decision in accordance with Shelby County Board of Education’s disciplinary policies and procedures.

F. Procedures for Other Prohibited Conduct

The procedure outlined above shall also be followed in cases in which a student is the subject of

- Conduct aimed at defaming a student in a sexual manner
- Conduct impugning the character of a student based on allegations of sexual promiscuity

- Conduct motivated by any actual or perceived characteristic, including but not limited to, race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity and expression, a mental, physical or sensory disability, socio-economic or familial status

G. Retaliation Prohibited

There will be no retaliation against any person who reports harassment, intimidation bullying or cyberbullying or participates in an investigation. However, any employee who gives false information during the course of any investigation or who retaliates against someone for: (a) truthfully reporting harassment, intimidation bullying or cyberbullying or (b) participating in an investigation of allegations of harassment, intimidation bullying or cyberbullying may be subject to disciplinary action up to and including termination if the offender is an employee and pursuant to the Shelby County Board of Education's Disciplinary Policy if the offender is a student.

This policy shall appear in the Parent/Student Handbook distributed annually to every student.

H. Report to Superintendent and Board of Education Chairman

Following any investigation of harassment, bullying, intimidation or cyberbullying, the principal (or designee) shall report the findings, along with any disciplinary action taken, to the Superintendent and the Chairman of the Board of Education.

I. Report to the State Department of Education

Beginning August 1, 2013, and annually, thereafter, the school district shall prepare and provide to the State Department of Education a report concerning the number of bullying cases brought to the attention of school officials during the preceding year and the manner in which they were resolved or the reason they are still pending.

IV. RESPONSIBILITY

A. Principals or building level administrators are responsible for ongoing education, formal and informal, regarding this policy and procedure in the building in which they work.

B. The Shelby County Board of Education's Federal Rights Coordinators are responsible for ensuring this policy is implemented.

C. The Superintendent is responsible for ensuring that this policy is followed.

Legal References:

1. T.C.A. 49-6-1015
2. T.C.A 49-6-1016
3. T.C.A. 39-17-308

Cross References:

1. 6022 Student Conduct

A. Prevention Training

1. Professional School Counselors and Staff

Orientation on SCS policy 6046 Harassment, Intimidation, Bullying or Cyber-Bullying shall be provided at the beginning of each school year for all Professional School Counselors that serve as their school's Positive Behavioral Intervention and Support (PBIS) Internal Coach. The orientation will include information on the definition and signs of bullying, harassment, and intimidation and recommended prevention strategies for both staff and students. Additionally, responsibilities for reporting, investigating, and issuing progressive disciplinary consequences in accordance with Board policy shall be discussed.

Upon the completion of orientation, Professional School Counselors are required to provide the same orientation to school staff.

2. Students

Each school year, teachers shall provide an orientation to their students regarding safety at their school. The orientation shall include the steps a student should take if he/she is being harassed, bullied, or intimidated; the steps required of any staff who receives a report of a student being harassed, bullied, or intimidated; and the steps that will be taken to address the alleged perpetrator.

Also, at the beginning of each school year, schools shall administer a Student Code of Conduct test to students, which includes questions related to harassment, bullying, intimidation and cyber-bullying.

B. Support Services – Counseling, Interventions and Discipline

Support Services are available for victims of harassment, bullying, intimidation, and cyber-bullying as well as interventions and targeted discipline for alleged bullies.

1. Victim Support Services

Victims of harassment, bullying, intimidation or cyber-bullying shall be provided services by the Professional School Counselor and extend to, when deemed necessary and appropriate, Mental Health services such as individual or group sessions with a School Social Worker. In the event a victim requires services beyond those the district's Professional School Counselor or Mental Health Staff can deliver, he/she shall be referred to community-based agencies for additional assistance. Additionally, placement alternatives may be explored in accordance with applicable policies and administrative rules and regulations contained in 6002 School Admissions (transfers).

2. Perpetrator Support Services/Discipline

Students exhibiting bullying behavior and/or determined to have harassed, bullied, or intimidated another student shall receive support services and the appropriate discipline and/or interventions in accordance with policy 6022 Student Conduct. Support services shall be provided through the school's Professional School Counselor. Services may include Functional Behavior Assessments, Threat Assessments, and individual sessions with the Professional School Counselor or a School Social Worker. Also, students may be referred to the school S-Team for additional services. Upon recommendation from the school S-Team, students may be evaluated by a licensed School Psychologist for assessment and placement.

Targeted discipline for alleged bullies include all of the administrative actions outlined in the SCS Student Code of Conduct (see 6022 Student Conduct), up to and including suspension or expulsion. Schools may also provide check-in/check-out services for alleged bullies to assist in monitoring their behavior. In cases where a student's bullying behavior is severe and he/she is expelled from school, the principal can request

that a Threat Assessment be conducted at the Pupil Services Center with the student before he/she is allowed to return to the school. Additionally, placement alternatives may be explored in accordance with applicable policies and administrative rules and regulations contained in 6002 School Admissions (transfers).