



6304 – Bullying, Cyber-Bullying, Discrimination, Harassment, and Hazing

ADOPTED: April 9, 2021

REVISED:

MONITORING: Annually

The Tennessee Public Charter School Commission, as a state agency and LEA, adheres to the discrimination and harassment policy enacted by the Tennessee Department of Human Resources¹ in accordance with T.C.A. § 49-6-4504. In order to maintain a safe and supportive school environment, acts of bullying or cyber-bullying, intimidation, discrimination, harassment (including sexual harassment), hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, are prohibited. Each authorized charter school shall adopt a policy regarding bullying, cyber-bullying, intimidation, discrimination, harassment, hazing, or any other victimization of students, based on any actual or perceived traits or characteristics, in compliance with state law and this policy.² The policy will cover a school's employees, employees' behaviors, students and students' behaviors while 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 applicable 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 educational environment or learning process. The school is responsible for educating and training their respective staff and students as to the definition and recognition of discrimination/harassment.³ Schools shall disseminate their policy annually to all school staff, students, and parents.

Definitions

"Bullying/Intimidation/Harassment" is an intentional 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;
- Creating a hostile educational environment; or
- Creating unwelcome conduct based on a protected class (race, nationality, ethnicity, gender/sex, age, disability, religion) that is severe, pervasive, or persistent and creates a hostile environment.



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

"Hazing"⁴ means any intentional or reckless act on or off school property, by one student acting alone or with others, that is directed against any other student(s) that endangers the mental or physical health or safety of the student(s) or that induces or coerces a student to endanger his/her own mental or physical health or safety. Coaches and other employees of a school shall not encourage, permit, condone, or tolerate hazing activities. "Hazing" does not include customary athletic events or similar contests or competitions and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization. The school's policy regarding hazing shall be distributed or made available to each student at the beginning of each school year. During the first month of each new school year, time shall be set aside to specifically discuss the hazing policy and its ramifications as a criminal offense and the penalties that may be imposed by the school and/or Commission.

Complaints and Investigations⁵

The school shall adopt a policy addressing how complaints and investigations are handled, including the person responsible for handling the investigation, the timeline for completion of an investigation, notification given to all necessary parties of an investigation, and any disciplinary action taken as the result of an investigation. Such policy shall include all requirements listed in T.C.A. § 49-6-4503(b). Any investigation involving conduct reported as child abuse or child sexual abuse or another criminal matter shall not commence until authorization to proceed with the investigation has been received from the Department of Children's Services or local law enforcement.

Response and Prevention

The school shall adopt a policy addressing the response and prevention of any behaviors prohibited by this policy.

Reports

When a complaint is filed alleging a violation of this or the school's policy where there is physical harm or the threat of physical harm to a student or a student's property, the school leader/designee of each school shall report the findings and any disciplinary actions taken to the Director of Schools/designee. By July 1 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 submitted to the Department of Education by August 1 of each year.

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 school after consideration of the nature, severity, and circumstances of the act. 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 shall be determined by the school.

Sexual Harassment as Sexual Abuse

Under certain circumstances, sexual harassment of a student may constitute sexual abuse as defined under state law. In such situations, authorized charter schools shall comply with state laws as well as Commission and school policies regarding the reporting of suspected abuse to appropriate authorities.⁶

Legal References:

¹ TN DOHR, Policy 12-008

² T.C.A. § 49-6-4503;

20 U.S.C. § 1681 to 1686

³ T.C.A. § 49-6-4503(c)

⁴ T.C.A. § 49-2-120

⁵ 20 U.S.C. §§ 1681 - 1686;

T.C.A. § 49-6-4503

⁶ T.C.A. § 37-1-605; T.C.A. § 49-6-1601;

T.C.A. § 37-1-403

Cross References:

LEA Policy 6409 Child Abuse, Neglect, and

Child Sexual Abuse

LEA Policy 5104 Employee Rights

LEA Policy 6313 Student Discipline

LEA Policy 1801 Special Education

LEA Policy 1802 ADA and Section 504