

Murfreesboro City School Board

Monitoring: Review: Annually, in April	Descriptor Term: Anti-Harassment, Intimidation, Bullying, Cyber-bullying, and Hazing of Students	Descriptor Code: 6.304	Issued Date: 4/28/20 5/22/18
		Rescinds: STU 53	Issued: 01/06; 04/06; 07/11; 06/16

1 Harassment, intimidation, bullying, cyber-bullying, and hazing, like other disruptive or violent
2 behavior, is conduct that disrupts a student's ability to learn and a school's ability to educate its
3 students in a safe environment. Students learn by example, and school administrators, faculty,
4 staff and volunteers shall demonstrate appropriate behavior, treating others with civility and
5 respect and refuse to tolerate harassment, intimidation, bullying, cyber-bullying, or hazing and
6 encourage others to do so as well. Students shall be provided a safe and civil environment in
7 which to learn and achieve high academic standards.¹ It shall be a violation of this policy for
8 any student, school employee, volunteer, or any other person to harass, intimidate, bully, cyber-
9 bully or haze a student.

10 This policy shall be disseminated annually to all school staff, students, and parents. This policy
11 shall cover employees, employees' behaviors, students and students' behaviors while on school
12 property, at any school-sponsored activity, on school-provided equipment or transportation, or at
13 any official school bus stop.

14 Principals are responsible for insuring this policy is implemented and are responsible for
15 educating and training the respective staff and students as to the definition and recognition of
16 harassment, intimidation, bullying, cyber-bullying, and/or hazing.

17 DEFINITIONS

- 18 1. "Cyber-bullying" means bullying undertaken through the use of electronic devices;
- 19 2. "Electronic devices" include, but are not limited to, telephones, cellular phones or other
20 wireless telecommunication devices, personal digital assistants (PDAs), computers,
21 electronic mail, instant messaging, text messaging, and web sites;
- 22 3. "Harassment, intimidation, or bullying" means any act that substantially interferes with a
23 student's educational benefits, opportunities or performance; and:
 - 24 a. If the act takes place on school grounds, at any school sponsored activity, on
25 school-provided equipment or transportation or at any official school bus stop, the act
26 has the effect of:
 - 27 i. Physically harming a student or damaging a student's property;
 - 28 ii. Knowingly placing a student or students in reasonable fear of physical harm to the
29 student or damage to the student's property;
 - 30 iii. Causing emotional distress to a student or students; or
 - 31 iv. Creating a hostile educational environment; or

- 32 i. The Conduct is aimed at defining a student in a sexual manner or the conduct is
33 impugning the character of a student based on allegations of sexual promiscuity;
34 or
35 b. If the act takes place off school property or outside of a school-sponsored activity, it is
36 directed specifically at a student or students and has the effect of creating a hostile
37 educational environment or otherwise creating a substantial disruption to the
38 education environment or learning process.
- 39 4. “Hazing” means an intentional or reckless act by a student or group of students that is
40 directed against any other student(s) that endangers the mental or physical health or
41 safety of the student(s) or that induces or coerces a student to endanger his/her mental or
42 physical health or safety. Coaches and other employees of the school district shall not
43 encourage, permit, condone, or tolerate hazing activities.

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

47 **EXPECTATIONS**

48 Murfreesboro City Schools students are expected to:

- 49 1. Demonstrate appropriate behavior.
50 2. Treat others with civility and respect.
51 3. Refuse to tolerate harassment, intimidation, bullying, or cyber-bullying and encourage
52 others to do so as well.

53 **FILING A COMPLAINT**

54 Alleged victims of harassment, intimidation, bullying, cyber-bullying, or hazing or their
55 parents/guardians shall report such incidents immediately to a teacher, school counselor or
56 school principal or any adult employed by the school system.² All school employees are
57 required to report alleged violations of this policy to the principal/designee. All other members
58 of the school community, including students, parents, volunteers, and visitors, are encouraged to
59 report any act that may be a violation of this policy.

60 Such reports may be made anonymously by the student by letting a teacher, principal, school
61 counselor or adult employed in the building know of the situation. However, nothing in this
62 policy shall be construed to permit formal disciplinary action solely on the basis of an
63 anonymous report. In addition, while reports may be made anonymously, an individual’s need
64 for confidentiality must be balanced with obligations to cooperate with police investigations or
65 legal proceedings, to provide due process to the accused, to conduct a thorough investigation or
66 to take necessary actions to resolve a complaint, and the identity of parties and witnesses may be
67 disclosed in appropriate circumstances to individuals with a need to know.

68 **INVESTIGATION**

69 The principal/designee at each school shall be responsible for investigating and resolving
70 complaints. The principal/designee is responsible for determining whether an alleged act
71 constitutes a violation of this policy, and such act shall be held to violate this policy when it
72 meets one of the following conditions:

- 73 • It places the student in reasonable fear or harm for the student’s person or property;

- 74 • It has a substantially detrimental effect on the student’s physical or mental health;
75 • It has the effect of substantially interfering with the student’s academic performance; or
76 • It has the effect of substantially interfering with the student’s ability to participate in or
77 benefit from the services, activities, or privileges provided by a school.

78 Once a complaint is received, the principal/designee shall initiate an investigation within forty-
79 eight (48) hours of receipt of the report.³ If the report is not initiated within forty-eight (48)
80 hours, the principal/designee shall provide the Director of Schools with appropriate
81 documentation detailing the reasons why the investigation was not initiated within the forty-eight
82 (48) hours timeframe.⁴

83 The principal/designee shall notify the parent/legal guardian when a student is involved in an act
84 of harassment, intimidation, bullying, cyber-bullying, or hazing. The principal/ designee shall
85 provide information on district counseling and support services. Students involved in an act of
86 harassment, intimidation, bullying, cyber-bullying, or hazing shall be referred to the appropriate
87 school counselor by the principal/designee when deemed necessary.⁵

88 Upon the determination of a violation, the principal/designee shall conduct a prompt, thorough,
89 and complete investigation of each alleged incident. All investigations shall be completed and
90 appropriate intervention taken within twenty (20) calendar days from the receipt of the initial
91 report.⁶ If the investigation is not complete or intervention has not taken place within twenty
92 (20) calendar days, the principal/designee shall provide the Director of Schools with appropriate
93 documentation detailing the reasons why the investigation has not been completed or the
94 appropriate intervention has not taken place.⁷ Within the parameters of the federal Family
95 Educational Rights and Privacy Act (FERPA) at 20 U.S.C. § 1232g, a written report on the
96 investigation will be given to the parents of the complainant, parents of the accused student, and
97 to the Director of Schools.

98 The investigation should include:

- 99 • Interview of the alleged offender
100 • Interview of the complainant and/or victim if different person
101 • Interview of possible witnesses

102 **RETALIATION AND REPORTING**

103 Reprisal or retaliation against any person who reports any act of harassment, intimidation,
104 bullying, or cyber-bullying is strictly prohibited under this policy. Anyone who engages in such
105 reprisals or relation or refuses to cooperate or gives false information during the course of an
106 investigation may be subject to disciplinary action. The willful filing of a false report will itself
107 be considered harassment and will be treated as such. A school employee, student, or volunteer
108 shall not engage in reprisal or retaliation against a victim of, witness to, or person with reliable
109 information about an act of harassment, intimidation, bullying, cyber-bullying, or hazing. A
110 school employee, student, or volunteer who witnesses or has reliable information that a student
111 has been subjected to an act of harassment, intimidation, bullying, cyber-bullying, or hazing is
112 encouraged to report the act to the principal of the school. Pursuant to T.C.A. §49-6-4505(c), a
113 school employee who promptly reports an act of harassment, intimidation, bullying, cyber-
114 bullying, or hazing to the principal in compliance with this policy is immune from a cause of
115 action for damages arising from any failure to remedy the reported act.

116 A school employee, student or volunteer who witnesses or possesses reliable information that a
117 student has transmitted by an electronic device any communication containing a credible threat
118 to cause bodily injury or death to another student or school employee, as prohibited by T.C.A.
119 §49-6-4216, shall report such information to the principal. Such school official shall make a
120 determination regarding the administration of the report.⁸

121 False accusations accusing another person of having committed an act prohibited under this
122 policy are prohibited. The consequences and appropriate remedial action for a person found to
123 have falsely accused another may range from positive behavioral interventions up to and
124 including suspension and expulsion.

125 **RESPONSE AND PREVENTION**

126 School administrators shall consider the nature and circumstances of the incident, the age of the
127 violator, the degree of harm, previous incidences or patterns of behavior, or any other factors, as
128 appropriate to properly respond to each situation.

129 A substantiated charge against an employee may result in disciplinary action up to and including
130 termination. A substantiated charge against a student may result in corrective or disciplinary
131 action up to and including suspension.

132 A student who commits an act of harassment, intimidation, bullying, or cyber-bullying shall be
133 subject to the appropriate consequences and remedial actions as listed in Board Policy 6.313
134 “Discipline Procedures.” The level of remedial action as identified in Board Policy 6.313
135 “Discipline Procedures” will depend on the severity of the act, the age of the offender, the facts
136 of the particular situation, and prior violation of this policy.

137 An employee who commits an act of harassment, intimidation, bullying or cyber-bullying shall
138 be subject to appropriate consequences and remedial actions.

139 **APPEAL**

140 A student disciplined for violation of this policy may appeal the decision as set forth in
141 accordance with Board Policy 6.313 “Discipline Procedures.” An employee disciplined for
142 violation of this policy may appeal the decision by contacting the Human Resource Department
143 for Murfreesboro City Schools in accordance with MCS employee discipline policies.

144 **REPORTS**

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

147 When a complaint is filed alleging a violation of this policy where there is physical harm or the
148 threat of physical harm to a student or a student's property, the principal/designee of each middle
149 school, junior high school, or high school shall report the findings and any disciplinary actions
150 taken to the director of schools and the chair of the board of education.

151 By June 1 of each year, the Director of Schools/designee shall prepare a report of all of the
152 bullying cases brought to the attention of school officials during the prior academic year. The
153 report shall also indicate how the cases were resolved and/or the reasons they are still pending.

154 This report shall be presented to the board of education at its regular June meeting, and it shall be
155 submitted to the state department of education by August 1.⁹

156 The Director of Schools shall develop forms and procedures to ensure compliance with the
157 requirements of this policy and TCA 49-6-4503.

Legal References:

¹ T.C.A. §§ 49-6-4501 through 49-6-4506

² 20 USCS §§ 1681 to 1686

³ 2016 Tenn. Pub. Acts 783

⁴ 2016 Tenn. Pub. Acts 783

⁵ TCA 49-6-4503; 2016 Tenn. Pub. Acts 783

⁶ 2016 Tenn. Pub. Acts 783

⁷ 2016 Tenn. Pub. Acts 783

⁸ T.C.A. §49-6-4505 (d)

⁹ T.C.A. § 49-6-4503 (c)(2)(B)