

## **HARASSMENT, INTIMIDATION, BULLYING OR CYBERBULLYING**

### **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 Shelby County Schools students and district employees, and other third parties as it relates to interactions with or between students.

### **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

The District will take steps to prevent recurrence of any substantiated harassment.

## **A. Definition**

Tennessee law defines “harassment, intimidation, bullying or cyberbullying<sup>1</sup>” 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.

---

<sup>1</sup> 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.

### **C. Investigation**

1. If the complainant is not the parent or guardian, the parents/guardians of alleged victim shall be notified immediately by the Principal or his/her designee of the reported conduct by phone or in person and informed of the availability of counseling and support services that may be necessary. The Principal or his/her designee shall initiate the investigation within 48 hours of receipt of the report, unless the need for more time is appropriately documented. The Principal or his/her designee will revisit substantiated incidents and all follow-up efforts conducted will be appropriately documented.

2. The Principal or his/her designee shall complete the investigation and initiate an appropriate intervention as soon as possible, but no later than within 20 calendar days from receipt of the report, unless the need for more time is appropriately documented.

3. 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 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.

If the offender is an employee, a substantiated charge may subject such employee to disciplinary action up to and including termination.

4. 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.

#### **D. Referral Procedure for Involved Students**

A procedure for a referral for appropriate counseling and support services for students involved in an act of harassment, intimidation, bullying, or cyber-bullying shall be developed and implemented by the Superintendent or designee and provided in the administrative rules and regulations to this policy.

#### **E. Right of Appeal – Students/Parents**

##### **1. Student (Parent/Guardian) Perpetrator**

Any student disciplined pursuant to this policy may appeal the decision in accordance with Shelby County Board of Education's disciplinary policies and procedures.

##### **2. Student (Parent/Guardian) Victim (Complainant)**

a. If the complainant is not in agreement with the Principal's or his/her designee's decision the complainant may, within five (5) school days, contact the Shelby County Schools' Federal Rights Coordinator (FRC) at 2800 Grays Creek Drive, Arlington, Tennessee 38002; Telephone (901) 473-2575. 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.

b. 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.

## **F. Right of Appeal – Employees**

An employee disciplined pursuant to this policy may appeal the decision by contacting the Federal Rights Coordinator (FRC) at 160 South Hollywood, Memphis, Tennessee 38112; Telephone (901) 416-5323.

## **G. 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 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

## **H. 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.

## **I. Report to Superintendent and Board of Education Chairman**

Following any investigation of harassment, bullying, intimidation or cyber-bullying, 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.

## **J. Report to the State Department of Education**

Beginning August 1, 2016, and annually, thereafter, the school district shall prepare and submit to the State Department of Education in the format provided by department a report which shall include the following:

1. The number of harassment, intimidation, bullying or cyber-bullying cases brought to the attention of school officials during the preceding year;
2. The number of harassment, intimidation, bullying or cyber-bullying cases where the investigation supported a finding that bullying had taken place;
3. The number of harassment, intimidation, bullying or cyber-bullying case investigations not initiated within 48 hours of the receipt of the report and the reason;
4. The number of harassment, intimidation, bullying or cyber-bullying cases where appropriate intervention was not initiated within 20 calendar days of receipt of the report and the reason why the intervention took longer to initiate; and
5. The type of harassment, intimidation, bullying or cyber-bullying identified and the manner in which the cases were resolved, including any disciplinary action against the student perpetrator.

## **K. Training**

On an annual basis, District personnel shall receive training on this policy.

## **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](#)
2. [7005 Mandatory Reporting of Criminal Offenses](#)

## 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 \(transfers\)](#).