

ADMINISTRATIVE POLICY

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HARASSMENT, INTIMIDATION, BULLYING, AND HAZING

Clarksville-Montgomery County School System (CMCSS) prohibits acts of harassment, intimidation, bullying, and hazing by students, district personnel, and volunteers or other third parties in the school environment such as vendors/contractors. In this policy, “bullying-related” includes and is defined as any of these acts. This includes bullying or harassment based on disability and other basis protected under statutes enforced by the Office of Civil Rights. A safe and respectful environment in school is necessary for students to learn and achieve.

Not all inappropriate behaviors are bullying-related acts. The CMCSS Student Code of Conduct will be referenced to distinguish between bullying, harassment, and other forms of inappropriate behaviors (i.e. vulgar and profane language, lewd or lascivious conduct, assault, fighting, and disruptive or boisterous conduct).

Bullying-related acts, like other disruptive or violent behavior, interfere with a student’s ability to learn and a school’s ability to educate students in a safe and orderly environment. Since students learn by example, district personnel and volunteers should be positive role models in demonstrating appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying-related acts. Students are expected to demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying-related acts. The provisions of this policy are published in the Student Code of Conduct, Employee Handbook, and district website.

Prohibited Acts Defined:

Harassment, intimidation, and bullying means any conduct that is sufficiently serious to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by the school system:

- A. 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 that has the effect of:
 - a. physically harming a student or damaging a student’s property;
 - b. knowingly placing a student or students in reasonable fear of physical harm to the student(s) or damage to the student’s or students’ property; or
 - c. causing emotional distress to a student or students’ or
 - d. creating a hostile educational environment; or

- B. 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.

To distinguish bullying-related acts from other inappropriate behaviors, CMCSS defines bullying as:

- a. harm occurs through an intentional act; and
- b. a power imbalance exists; and
- c. the accused enjoys carrying out the action; and
- d. the accused repeats the behavior, often in a systematic way; and

- e. the target has a sense of being persecuted or oppressed and is hurt physically and/or psychologically.

Bullying-related acts may include:

- Actions of engaging in reprisal or retaliation against any person who reports, who is a target of, or witness to a bullying-related act, or any person with reliable information about a bullying-related act; or
- Actions in which one falsely accuses another of having committed a bullying-related act as a means of reprisal or retaliation or as a means of a bullying-related act.

Bullying encompasses cyber-bullying that creates a hostile educational environment or otherwise creating a substantial disruption to the educational environment or learning process. Cyber-bullying includes, but is not limited to, the use of information and communication technologies, such as e-mail, cell phone text or picture messages, instant messaging, and defamatory personal websites, social networking sites, and online personal polling sites – to support deliberate, hostile behavior intended to frighten or harm others.

Hazing is any intentional or reckless act, on or off school system property, by one student acting alone or with others, directed against any other student, that endangers the mental or physical health or safety of that student or that induces or coerces a student to endanger that student's mental or physical health or safety. 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.

Education, Awareness, and Intervention:

The district will conduct annual staff training on its policies and procedures related to bullying-related acts. Training will include, but will not be limited to, bullying awareness, best practices in prevention and intervention, reporting, and follow up. The district will provide students and parents/legal guardians information on its policies, procedures, and prevention programs related to bullying-related acts. Additional resources may be made available to staff, students, and parents to promote awareness of the harmful effects of bullying-related behavior and to offer prevention strategies.

Reporting:

School/district personnel who witness bullying-related acts or who are informed of allegations of such must immediately report these incidents to a school administrator. The Bullying and Harassment Incident Reporting Form ([INS-F111](#)) must be completed as soon as possible preferably no later than the end of the next school day.

Students are expected to report incidences of bullying-related acts to any administrator, teacher, school resource officer, counselor, or other school/district personnel.

Parents or other district stakeholders who have knowledge of such acts are encouraged to communicate this to school personnel immediately.

An individual may make an anonymous report; however, no formal disciplinary action may be taken against the accused solely on the basis of any anonymous report. However, an investigation of an anonymous report will be conducted.

Pursuant to TCA 49-6-4216, a school employee, student or volunteer who witnesses or has reliable information that a student has transmitted by an electronic device any communication containing a credible threat to cause bodily injury or death to another student shall report such information to

the appropriate school official. Such school official shall make a determination regarding the administration of the report.

Individuals making a report of harassment, intimidation, hazing, or bullying should not define students involved in a sexual manner or impugn the character of any student based on allegations of sexual promiscuity.

Intake Analysis and Investigation:

School administrators or their designee will review all alleged bullying-related acts, formal or informal, verbal or written, to determine appropriate next steps. This review will be initiated within 48 hours after the initial report is received unless the need for more time is appropriately documented. Based upon the findings of this review (intake analysis), if warranted, an investigation into the allegation(s) will be initiated immediately. As permitted by FERPA, the principal or designee provides written notification to the incident reporter and the target, as well as their respective parents/legal guardians, of the findings of the intake analysis. The investigation will be conducted in an impartial manner, including an impartial decision maker, and the parties have the right to present witnesses and other evidence relevant to the complaint to the decision maker and/or investigator. The principal or designee shall initiate an appropriate intervention within twenty (20) calendar days of receipt of the report unless the need for more time is appropriately documented.

Once the investigation is complete, and as permitted by FERPA, the principal or designee gives written notice to the alleged target and his/her parents/guardians of the conclusion of the investigation. The principal or designee gives written notice to the accused and his/her parents/guardians of the conclusion of the investigation and any associated discipline and/or interventions. Such written notice will be sent no later than one school day after the decision is made.

The school will take steps to prevent recurrence of any intimidation, bullying, or harassment act that includes, but is not limited to, disability, gender, race, etc. The school will remedy discriminatory effects on the complainant and others, if appropriate.

Consequences:

Consequences for a student involved in bullying-related acts range from behavioral interventions to disciplinary actions. District personnel and volunteers, who engage in bullying-related acts, are subject to disciplinary actions, up to and including termination of employment. In addition, hazing may be a crime prosecutable under the criminal laws of the State of Tennessee.

The following factors will be considered in determining the consequences and appropriate remedial action for bullying-related acts:

- The developmental level and maturity levels of the parties involved;
- The levels of harm as determined by the student's ability to be educated in a safe and orderly environment;
- The surrounding circumstances;
- The nature of the behavior(s) (refer to CMCSS definition, pg. 1);
- Past incidences or continuing patterns of behavior;
- The relationships between the parties involved; and
- The context in which the alleged incidents occurred.

Implementing Procedures: Reporting Bullying Related Acts (INS-P029)
Investigation of Bullying Related Acts (INS-P030)

Associated Reference: T.C.A. § 49-6-4501 through 4506
 T.C.A. § 49-2-120
 T.C.A. § 39-17-308
 T.C.A. § 49-6-4505(d)
 CMCSS Student Code of Conduct (STS-M001)
 CMCSS Employee Handbook (HUM-M001)
 Non-Discrimination (SLT-A001)
 Family Educational Rights Privacy Act (FERPA)
<http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

Revision History:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
1/02/06		Initial Release
7/11/11	A	Adds prohibition against engaging in reprisal or retaliation against any person who reports an act of harassment, intimidation, or bullying; or against any person who is a victim of, witness to, or who has reliable information about an act of harassment, intimidation or bullying. Clarifies what constitutes harassment, intimidation, or bullying-related conduct or offense. Includes cyber-bullying in definition of harassment, intimidation, and bullying. Changes TCA citation to TCA 49-6-1014 through 1019.
5/20/13	B	Adds prohibition against hazing Adds consequences for district employees who engage in prohibited activities Adds reporting requirement for electronic communication of credible threat of bodily harm or death to another student Expands definition of cyber-bullying
3/18/14	C	Remove procedural steps; Use “bullying-related acts” throughout policy; Page 1 Add CMCSS definition of bullying; Add Education, Awareness, and Intervention, Reporting, and Investigation sections; Add Implementing Procedures for Reporting and Investigation of Bullying-Related Acts; Change TCA citation to TCA 49-6-4501 through 4506; Add Associated Reference for FERPA; Add as permitted by FERPA, the principal or designee notifies of report status
4/21/14	D	Add statement “Individuals making a report of harassment, intimidation, hazing, or bullying should not define students involved in a sexual manner or impugn the character of any student based on allegations of sexual promiscuity.” Reviewed, no changes.
12/4/15		
9/6/16	E	Updated definition in accordance with OCR definition. Changed investigation from “next school day” to 48 hours. Added investigation will be conducted in an impartial manner and school will remedy effects, if appropriate.
7/2/24	F	Updated to reflect 2024-2025 change in the Code of Conduct separating “Assault and Fighting”, making them different offenses. Revised 2 nd sentence under “Reporting” to state the name of the report to be completed and report number.

*****End of Policy*****