

## **BULLYING AND HARASSMENT**

Bartlett City Schools has determined that a safe, civil and supportive environment in school is necessary for students to learn and achieve high academic standards. In order to maintain that environment, Bartlett City Schools prohibits acts of harassment, bullying, or intimidation. BCS Policy #6002

Schools are responsible for addressing bullying, harassment and hazing incidents about which it **knows** or **reasonably should have known**.

These incidents may be in plain sight (occurs in hallways, during extracurricular activities or on a school bus), or as school personnel become aware of misconduct. (Dear Colleague Letter, 2010)

### **Tennessee Policy Definitions** (Tenn. Code Ann. 49-6-4502)

According to Tennessee State Law, “harassment, intimidation or bullying” refers to an act that substantially interferes with a student’s educational benefits, opportunities or performance, that takes place on school grounds, at any school-sponsored activity, on school-provided transportation, or at any official school bus stop, and that has the effect of:

1. Physically harming a student or damaging a student’s property;
2. Knowingly placing a student in reasonable fear of physical harm to the student or damage to the student’s property; or
3. Causing emotional distress to a student or students; or
4. Creating a hostile educational environment.

### **WHAT IF THE ACT IS OUTSIDE OF SCHOOL?**

If the act takes place off school property or outside of a school-sponsored activity, it is considered bullying if:

- 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. T.C.A. 49-6-4502

### **Harassment**

This conduct may take many forms:

- Verbal acts, name-calling
  - Graphic written statements (including cell phone and internet)
  - Conduct that may be physically threatening, harmful, or humiliating
- HARASSMENT creates a hostile environment when the conduct is sufficiently *severe, pervasive (everywhere in the school environment/culture), or persistent* so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities or opportunities offered by a school (Dear Colleague Letter, 2010).

- Unwanted conduct based on protected class (age, nationality, origin, race, disability, color, religion, gender)

### **Hazing**

Any intentional or reckless act, on or off school property, by one student acting alone or with others, against any other student that **endangers**, or that **induces or coerces a student to endanger**, the mental or physical health of that student.

- Does not include customary athletic events or similar contests or competitions.
- Limited to actions taken and situations created in connection with **initiation** into an affiliation with any organization.

### **Cyber-bullying**

Bullying undertaken through electronic devices; electronic devices include, but are not limited to, telephones, cellular phones, other wireless communication devices, personal digital assistants, computers, email, instant messaging, text messaging, websites.

### **FOUR COMPONENTS OF BULLYING:**

- Imbalance of power (real or perceived)
- Intent to harm
- Threat of further aggression
- Terror (not only as a means to an end, but as an end in itself)

### **WHAT CONSTITUTES AN IMBALANCE OF POWER:**

- Physical characteristics
- Social status
- Member of a minority group
- A group vs. an individual
- Presence of weapons
- *The defining questions is:*  
*Can the child make this stop on his/her own?*

### **TYPES OF BULLYING/HARASSMENT:**

- Physical
- Verbal
- Relational
- Cyber-bullying
- Sexual

### **AVOIDING LIABILITY (Tenn. Code Ann. 49-6-4503)**

Each school's liability depends on the degree to which the school responds to the complaint. When a school responds immediately and appropriately to eliminate harassment or bullying and acts to prevent its recurrence, the school will not be held responsible for the harassment or bullying. However, if the harassment or bullying is not addressed appropriately, the school may be held legally accountable.

**There are multiple steps administrators can take to address bullying in their schools.**

- Develop clear rules and sanctions related to bullying. Post and distribute the school rules and discuss them with students, staff, and parents.
- Using information obtained from your students input to increase supervision in areas that are “hot spots” for bullying and violence in the school.
- Establish a confidential reporting system that allows students to report victimization and that records the details of bullying incidents.
- Ensure that your school has all the legally required policies and grievance procedures in place for bullying or harassment. Make these procedures known to parents, students, staff members, including clerical personnel, cafeteria staff, support staff, custodial staff, and bus drivers. Maintain a record of those who have been informed.
- Receive and listen receptively to parents and students who report bullying. Implement procedures where such reports are investigated and resolved quickly and effectively at the school level in order to avoid perpetuating bullying.
- Ensure that all staff members take immediate actions when bullying is observed. All teachers and school staff must let students know that they care and will not allow anyone to be mistreated.
- Notify the parents of all involved students when bullying incidents occur and seek to resolve the problem expeditiously at school.
- Make referrals to your counselors, when appropriate, for further work with students who are bullied and students who bully.
- Ensure protection for students who are bullied.

**REMINDER:**

Do not ignore an alleged bullying situation. Ignoring bullying leads to a poor learning environment, puts your students at risk, and is AGAINST the law.

**BULLYING INVESTIGATION PROTOCOL**

- **Forms uploaded to ONE DRIVE:**
  1. Investigation Checklist
  2. Incident Investigation Report
  3. Complainant Statement Form
  4. Respondent Statement Form
  5. Witness Statement Form
  6. Sample letter for investigation outcomes

**These forms are to be completed for student/student and staff/student incidents of bullying, intimidation or harassment.**

**Phases of an investigation:**

- Complaint Intake
- Evidence Gathering
- Evaluate Evidence
- Investigative Report
- Follow-up after Investigative Report
- Notify parents of outcome – put it in writing (remember FERPA)
- Remind parents and students of retaliation and how to report it
- Review discipline policies and procedures to ensure consistent disciplinary action
- Consideration of safety plan
- Maintain Records

- **SEND COPIES OF INVESTIGATION FORMS TO Z. BOZEMAN IN STUDENT SERVICES**

Korrie White and Zoe Bozeman are available to address any concerns you may have regarding bullying/harassment.

[kwhite@bartlettschools.org](mailto:kwhite@bartlettschools.org)  
[zbozeman@bartlettschools.org](mailto:zbozeman@bartlettschools.org)

202-0855, Ext. 2227  
202-0855, Ext. 2256

### **Right of Appeal**

If the complainant is not in agreement with the Principal's or his/her designee, the complainant may, within five (5) school days, contact the Bartlett City Schools' Federal Rights Coordinator (FRC) at 5650 Woodlawn, Bartlett, TN 38134. Telephone (901) 202-0855.

Within five (5) school days, the FRC and 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.

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 disciplinary actions were taken.