



The Administration of the Metropolitan Nashville Public Schools is committed to providing all students a learning environment free from discrimination/harassment based on race (actual or perceived), color, religion, national origin, handicap/disability, sexual orientation, ancestry, or gender, including gender identity, expression and appearance. A safe and civil learning environment in school is necessary for students to learn and achieve high academic standards. Harassment, intimidation or bullying is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment and will not be tolerated

Definition

Harassment, intimidation or bullying is defined as conduct, advances, gestures or words either written or spoken which result in:

- Unreasonably interfering with a student's educational opportunities
- Creates a hostile, intimidating or offensive learning environment
- Implies that submission to such conduct is made an explicit or implicit condition for receiving grades or credits
- Physically harms a student
- Damages a student's property

This policy addresses conduct that takes place on school grounds, at any school-sponsored activity, on school-sponsored transportation, at any official school bus stop immediately before boarding and immediately after leaving school transportation of any kind.

Sexual harassment will not be tolerated under this policy. Sexual harassment may include but is not limited to: sexual advances, subtle pressure of sexual activity, touching of a sexual nature including inappropriate patting or pinching, intentional brushing against another person's body without his/her consent, demands for sexual favors, graffiti, posters, cartoons, caricatures and jokes of a sexual nature, playing sexually explicit audio/video tapes, and inappropriate rumors about or rating another person's sexual activity or performance.

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Revision History

August, 2008
January, 2006

Review

Annually

A student will not slander/libel (make an untruthful oral [spoken] or written statement about a person that harms the person's reputation in the community) any teacher, administrator, school district employee or other person acting in an official capacity at the school by making false claims of harassment, including sexual harassment, or other inappropriate behavior. Additionally, students will not create an intimidating, hostile or offensive work environment.

Metropolitan Nashville Public Schools also prohibits cyber-bullying, defined as harassment/intimidation through use of Internet social networking sites or other telecommunications technologies such as telephones, cell phones, text messaging and camera phones. Cyber bullying that begins off-campus can be considered school-related if it interferes with school activities, causes a disruption at school or interferes with the rights of students.

Civil Rights Intimidation (Violation of Personal Rights) TCA 39-17-309

The General Assembly of the State of Tennessee and MNPS declare that it is the right of every person regardless of race, color, ancestry, religion or national origin, to be secure and protected from fear, intimidation, harassment and bodily injury caused by the activities of groups and individuals. TCA 39-17-309 (a) A person commits the offense of intimidating others from exercising civil rights who:

- Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another from free exercise or enjoyment of any right or privilege secured by the constitution or laws of the State of Tennessee;
- Injures or threatens to injure or coerces another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the constitution or laws of the State of Tennessee;
- Damages, destroys or defaces any real or personal property of another person with the intent to unlawfully intimidate another from free exercise of any right or privilege secured by the constitution or laws of the State of Tennessee;
- Damages, destroys, or defaces any real or personal property of another person with the intent to unlawfully intimidate another because that other exercised any right or privilege secured by the constitution or laws of the State of Tennessee.
- It is an offense for a person to wear a mask or disguise with the intent to violate subsection (b). TCA 39-17-309 (b)
- A violation of subsection (b) is a Class D felony. A violation of subsection (c) is a Class A misdemeanor.

Responsibility of Administration

Pursuant to TCA 37-1-403, if a teacher, school official or other school personnel has knowledge or reasonable cause to suspect that a child who attends such school may be the victim of child abuse or child sexual abuse sufficient to require reporting pursuant to this section and that such abuse occurred on school grounds or while the child was under supervision or care of the school (including transportation to and from school), then the principal or other person designated by the school shall verbally notify the parent or legal guardian of such child that a report pursuant to this section has been

made and shall provide other information relevant to the future well-being of the child while under the supervision or care of the school to the parent or legal guardian within twenty four (24) hours. Such notice shall **not** be sent to any parent or legal guardian if there is reasonable cause to believe that such parent or legal guardian may be the perpetrator or in any way responsible for the child abuse or child sexual abuse.

Once notice is sent, the principal or other designated person shall provide to such parent or legal guardian all school information and records relevant to the alleged abuse or sexual abuse, if requested by the parent or legal guardian, provided such information is edited to protect the confidentiality and identity of the person who made the report, or other person whose life or safety may be endangered by the disclosure, and any information made confidential by federal law.

Intimidation or Bullying

Intimidation or bullying should be reported to any staff member who **must** report the incident to the principal. The principal **must** take immediate action to prevent further harm and to initiate an investigation into the incident. Steps that must be taken are as follows:

- During the course of the investigation, the principal should document **in writing** the facts of the incident. The principal has numerous resources at his/her disposal to assist with any investigation, including but not limited to:
 - Metropolitan Nashville Police Department
 - Discipline Coordinator
 - School Security
 - Special Education personnel
 - Director of Attendance and Discipline
 - Assistant Superintendent of Student Services
- Record all parent contacts regarding the incident, including date, time, and manner (phone, e-mail, face-to-face).
- Obtain **written** witness statements
- If the determination is that the offense can be handled at the school level, the principal should document this in writing and keep on file at the school. If there is any chance that the discipline office might possibly be contacted by anyone involved in the incident the principal should make the appropriate discipline coordinator aware of the facts and send documentation of the offense and its outcome to Student Services.
- If the determination is made that the offense reaches the level of a disciplinary hearing, the principal must contact the discipline coordinator/Student Services for further action

School employees, students or volunteers are prohibited from retaliating against witnesses or victims who report such acts. School administrators, faculty, staff and volunteers should be commended for demonstrating appropriate behavior treating others with civility and respect, and refusing to tolerate harassment, intimidation or bullying in any form.

References/Authority

TCA 49-6-3109

TCA 49-6-1014

TCA 49-6-1016

TCA 39-17-309

TCA 39-17- 309 (a)

TCA 39-17-309 (b)

TCA 37-1-403 (1)(1)

TCA 37-1-605 (d))(1)