

MORGAN COUNTY BOARD OF EDUCATION

Student Discrimination/Harassment and Bullying/Intimidation	Descriptor Code JCAD	Issued Date 01/09/06
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1 **Discrimination/Harassment (Sexual, Racial, Ethnic, Religious)**

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3 Students shall be provided a learning environment free from sexual, racial, ethnic and religious
4 discrimination/harassment.¹ It shall be a violation of this policy for any employee or any student to
5 discriminate against or harass a student through disparaging conduct or communication that is sexual,
6 racial, ethnic or religious in nature. The following guidelines are set forth to protect students from
7 discrimination/harassment.

8
9 Student discrimination/harassment will not be tolerated.² Discrimination/harassment is defined as
10 conduct, advances, gestures or words either written or spoken of a sexual, racial, ethnic or religious
11 nature which:

- 12
- 13 1. Unreasonably interfere with the student's work or educational opportunities; or
- 14 2. Create an intimidating, hostile or offensive learning environment; or
- 15 3. Imply that submission to such conduct is made an explicit or implicit term of receiving grades or
- 16 credit; or
- 17 4. Imply that submission to or rejection of such conduct will be used as a basis for determining the
- 18 student's grades and/or participation in a student activity.
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20 **Bullying/Intimidation**

21
22 Students shall be provided a safe learning environment. It shall be a violation of this policy for any
23 student to bully, intimidate or create a hostile educational environment for another student. Bullying
24 and intimidation are defined as either physically harming a student or damaging his/her property, or
25 knowingly placing the student in reasonable fear of such, or creating a hostile educational environment.
26 The policy addresses conduct taking place on school grounds, at any school-sponsored activity, on
27 school-provided transportation, or at any official school bus stop immediately before boarding and
28 immediately following debarking.³

29
30 Alleged victims of the above-referenced offenses shall report these incidents immediately to a teacher,
31 counselor or building administrator.⁴ Any allegations shall be fully investigated by a complaint manager
32 (as set forth in *Student Concerns, Complaints and Grievances, JCAC*).

33
34 The privacy and anonymity of all parties and witnesses to complaints will be respected. However,
35 because an individual's need for confidentiality must be balanced with obligations to cooperate with
36 police investigations or legal proceedings, to provide due process to the accused, to conduct a thorough
37 investigation or to take necessary action to resolve a complaint, the identity of parties and witnesses may
38 be disclosed in appropriate circumstances to individuals with a need to know.
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40 A substantiated charge against an employee shall result in disciplinary action up to and including
41 termination. Substantiated charge against a student may result in corrective or disciplinary action up to
42 and including suspension.

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44 There will be no retaliation against any person who reports harassment or participates in an
45 investigation. However, any employee who refuses to cooperate or gives false information during the
46 course of any investigation may be subject to disciplinary action. The willful filing of a false report will
47 itself be considered harassment and will be treated as such.

48
49 An employee disciplined for violation of this policy may appeal the decision by contacting the Federal
50 Rights Coordinator or the Director of Schools. Any student disciplined for violation of this policy may
51 appeal the decision in accordance with disciplinary policies and procedures.

52
53 This policy shall be published in the parent/student handbook distributed annually to every student.

54
55 Building administrators are responsible for educating and training their respective staff and students as
56 to the definition and recognition of discrimination/harassment.

57 Contact:

58
59 Ronnie Wilson, Complaint Manager
60 136 Flat Fork Rd.
61 Wartburg, TN 37887
62 423-346-6214

63
64 Wanda Lane, Complaint Manager/Civil Rights Contact
65 136 Flat Fork Rd.
66 Wartburg, TN 37887
67 423-346-62

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Legal References:

- 73
74 1. TCA 49-6-3109
75 2. Title VII: 29 CFR §1604.11;
76 *Davis v. Monroe County Board of Education*, No. 97-843
77 (U.S. Sup. Ct. May 24, 1999)
78
79 3. TCA 49-6-1014-1019
80 4. Title IX (20 U.S.C. §§ 1681-1686)

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Cross References:

- 73
74 Appeals To & Appearances Before the Board 1.404
75 Student Complaints and Grievances 6.305
76 Staff-Student Relations 5.610