

## BULLYING OR HARASSING BEHAVIOR

JDDA (JULY 2017)

The Board of Trustees of the \_\_\_\_\_ School District prohibits bullying or harassing behavior of students, school employees, or volunteers. The \_\_\_\_\_ School District will make every reasonable effort to ensure that no person or school employee is subjected to bullying or harassing behavior by other students or other school employees.

### I. Definitions

Bullying or harassing behavior is any pattern of gestures or written, electronic, or verbal communications, or any physical act or any threatening communication, or any act reasonably perceived as being motivated by any actual or perceived differentiating characteristic that:

(a) places a student or school employee in actual and reasonable fear of harm to his or her person or damage to his or her property, or

(b) creates or is certain to create a hostile environment by substantially interfering with or impairing a student's education, including but not limited to educational performance, opportunities, or benefits.

A "hostile environment" means that the victim subjectively views the conduct as bullying or harassing behavior and the conduct is objectively severe or pervasive enough that a reasonable person would agree that it is bullying or harassing behavior.

The above conduct constitutes bullying if that conduct interferes with a student's education or substantially disrupts the operation of a school.

Bullying or harassing behavior will not be condoned or tolerated when it takes place on school property, at any school-sponsored function, or on a school bus, or when it takes place off school property when such conduct, in the determination of the school superintendent or principal, renders the offending person's presence a disruption to the operation of the educational environment of the school or a detriment to the best interest and welfare of the pupils and teacher of such class as a whole.

The District encourages anyone who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior to report the incident to the appropriate school official. Retaliation or reprisal against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying or harassing behavior, is prohibited.

The \_\_\_\_\_ School District recognizes the fundamental right of every student to take "reasonable actions" as may be necessary to defend himself or herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing.

## **Sample Bullying Policy from the MS School Board Association**

“Reasonable action” includes, but is not limited to, promptly reporting the bullying or harassing behavior to a teacher, principal, counselor, or other school employee.

These procedures shall be appropriately placed in District personnel policy handbooks, school handbooks that include discipline policies and procedures, and any other policy or procedure that deals with student or employee behavior.

The School Board directs the superintendent or designee to design and implement procedures for reporting, investigating, and addressing bullying and harassing behaviors.

Legal Reference: MS Code of 1972 37-11-67 and 37-11-69

**Sample Policy Disclaimer:** This policy is provided solely as a sample. Any board of education adopting such a policy should use this sample as a framework or starting point and, after carefully reviewing the applicable laws, regulations and state rules, modify the policy as appropriate to meet the needs of the local school system. Any policy should be carefully reviewed by the board of education's legal counsel.

STUDENT COMPLAINTS OF BULLYING OR HARASSING BEHAVIOR - PROCEDURES

I. Procedures for Reporting a Complaint

- A.** Any student, school employee, or volunteer who feels he/she has been a victim of bullying or harassing behavior, or has witnessed or who has reliable information that a student, school employee, or volunteer has been subject to bullying or harassing behavior shall report such conduct to a teacher, principal, counselor, or other school official. The report shall be made promptly, but no later than five (5) calendar days after the alleged act or acts occurred.
- B.** The school official shall complete a “Bullying/Harassing Behavior” complaint form which shall include the name of the reporting person, the specific nature and date of the misconduct, the name(s) of the victim(s) of the misconduct, the name(s) of any witness(es) and any other information that would assist in the investigation of the complaint. The report shall be given promptly to the principal or superintendent who shall institute an immediate investigation. Complaints against the principal shall be made to the superintendent, and complaints against the superintendent shall be made to the Board chairman. The complaint shall be investigated promptly
- C.** Parents or guardians will be notified of the nature of any complaint involving their student. The District official will arrange such meetings as may be necessary with all concerned parties within five (5) working days after initial receipt of the complaint by the District. The parties will have an opportunity to submit evidence and a list of witnesses. All findings related to the complaint will be reduced to writing. The District official conducting the investigation shall notify the victim and parents as appropriate when the investigation is completed and a decision regarding disciplinary action, as warranted, is determined.
- D.** If the victim is not satisfied with the decision of the District official, he/she may submit a written appeal to the superintendent. Such appeal shall be filed within ten (10) working days after receipt of the results of the initial decision. The superintendent will arrange such meetings with the victim and other affected parties as deemed necessary to discuss the appeal. The superintendent shall provide a written decision to the victim’s appeal within ten (10) working days.
- E.** If the victim is not satisfied with the decision of the superintendent, a written appeal may be filed with the Board. Such appeal shall be filed within ten (10) working days after receipt of the decision of the superintendent. The Board shall, within twenty (20) working days, allow the victim and parents as appropriate to appear before the Board to present reasons for dissatisfaction with the decision of the superintendent. The Board shall provide a written decision within ten (10) working days following the victim’s appearance before the Board.

## Sample Bullying Policy from the MS School Board Association

F. If, after an investigation, a student is found to be a victim of bullying, such student shall not face disciplinary action on the basis of that student's use of "reasonable self-defense was in response to the bullying."

G. If the victim of bullying is a student with disabilities, disciplinary action for the offender shall comply with the requirements of federal law including the Individuals with Disabilities Education Act (20 USCS Section 1400 et seq.)

The school district shall maintain and make available a list of counseling services to any student who is a victim of or a witness to bullying, or who engages in bullying. The following list of the types of counseling and support services are available to any victim of or a witness to bullying. This list is presented as a guide that by no means limits this school district from including other additional support services.

**THIS LIST IS INCLUDED ONLY AS A SAMPLE; THE DISTRICT WILL NEED TO CUSTOMIZE THIS LIST TO INCLUDE ACTUAL COUNSELING OPTIONS OFFERED BY THE DISTRICT:**

- *School/District Counseling*
- *Conflict Resolution Training*
- *Anger Management Training*
- *Problem Solving Skills Training (proactive, constructive, relationship-building)*
- *Social skills training*

*Support may be provided by the school district through the assistance of the any of the following agencies:*

- *Mississippi Department of Education*
- *Mississippi Department of Health*
- *Mississippi Department of Human Services - Juvenile Services Department*
- *Community/Family Public or private community-based mental health services*
- *Faith-based services*
- *Law enforcement agencies*

The procedures for reporting bullying shall also be posted on the district website.

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