

6.23 Harassment/Jamari Terrell Williams Student Bullying Prevention Act Policy

6.23 — Bullying, Intimidation, Violence, and Threats of Violence Prohibited

6.23.1 Prohibition - No student shall engage in ~~or~~ nor should any be subjected to ~~harassment, bullying, cyberbullying, violence, threats of violence, or intimidation~~ by any other student that is based on any of the specific characteristics ~~that have been identified by the Board~~ set forth in this policy. ~~Students who violate this policy will be subject to appropriate disciplinary sanctions as provided herein specified in the Student Code of Conduct and applicable law, subject to the investigating school administrator's authority and decision.~~

6.23.1 Definitions –

6.23.2 The term “harassment” as used in In this policy, these terms shall have the following meanings:

- a. “Bullying” means a continuous pattern of intentional behavior ~~that takes place on or off of~~ school property, on a school bus, or at a school-sponsored function including, but not limited to: cyberbullying or written, electronic, verbal, or physical ~~acts~~ actions that are reasonably perceived as being motivated by any characteristic of a student, or by the association of a student with an individual who has a particular characteristic, if the characteristic falls into one of the categories of personal characteristics ~~set forth contained in Section 6.22.3(b) below, this policy.~~ To constitute ~~harassment~~ bullying, a pattern of behavior may do any of the following:
- Place a student in reasonable fear of harm to his or her person or damage to his or her property;~~;~~
  - Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student;~~;~~
  - Have the effect of substantially disrupting or interfering with the orderly operation of the school; whether the conduct occurs on or off school property, online, or electronically;
  - Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function;~~;~~ or
  - Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.
- b. The term “violence” as used in this policy means the “Hostile environment” means the perception by an affected student that the conduct of another student constitutes a threat of violence or bullying and that the

conduct is objectively severe or pervasive enough that a reasonable person, under the circumstances, would agree that the conduct constitutes bullying, threat of assault, or assault.

~~b-c.~~ “Violence” means the unjustified infliction of physical force by a student with the intent to cause injury to another student or damage to the property of another student.

~~The term “threat of violence” as used in this policy means an~~

~~d.~~ “Threat” means a statement of an intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through an electronic, written, verbal, or physical act to cause fear, mental distress, or interference in the school environment. The intention may be expressly stated or implied and the person communicating the threat has the ability to carry out the threat.

~~e-e.~~ “Threat of violence” means an unjustified expression of intention to inflict injury or damage that is made by a student and directed to another student.

~~The term “intimidation” as used in this policy~~

~~d-f.~~ Intimidation” means an unjustified threat or other action that is intended to cause fear or apprehension in a student, especially for the purpose of coercing or deterring the student from participating in or taking advantage of any school program, benefit, activity or opportunity for which the student is or would be eligible.

~~e.~~ The term “bullying” as used in this policy is a pattern of intentional, repeated, aggressive behavior directed by or on behalf of one student against another. It includes physical actions, including but not limited to shoving, hitting or punching, and verbal actions including but not limited to teasing and name calling, as well as verbal or physical intimidation.

~~f.~~ The term “cyberbullying” as used in this policy is a pattern of intentional, repeated, aggressive behavior directed by or on behalf of one student against another through the use of social media, text or instant messaging, e-mail or other electronic media or devices.

~~The term “student~~

~~g.~~ “Student” as used in this policy means a student person who is enrolled in the Madison City school system.

#### 6.23-26.23.3 Description of Behavior Expected of Students -

a. Students are expected to treat other students with courtesy, respect, and dignity and comply with the Code of Student Conduct. ~~Students are expected and required~~ (1) to comply with the requirements of law, policy, regulation, and rules prohibiting ~~harassment, violence,~~ bullying, ~~cyberbullying~~violence, or intimidation; (2) to refrain from inflicting or threatening to inflict violence, injury, or damage to the person or property of another student; ~~and~~ (3) to refrain from placing another student in fear

of being subjected to violence, injury, or damage when such actions or threats are reasonably perceived as being motivated by any personal characteristic of the student that is identified in this policy.

~~Violence;~~

- b. ~~Bullying, intimidation, violence, or~~ threats of violence, ~~harassment, intimidation, bullying and cyberbullying~~ are prohibited, ~~and students found to have violated Board policy related to such conduct and~~ will be subject to appropriate disciplinary consequences and/or sanctions, ~~including suspension and expulsion~~, if the perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of the ~~victim of such conduct~~student:

~~1. The student's race;~~

~~2. The student's sex;~~

~~3. The student's religion;~~

~~The student's national~~

~~• Race~~

~~• Sex~~

~~• Religion~~

~~• National origin;~~

~~4. The student's disability;~~

~~• Disability~~

~~• The student's imbalance of strength, power, or influence; or~~

~~• Other personal characteristics which motivate the prohibited action.~~

- e. ~~Except as otherwise provided in this policy, the expectations of students expressed herein are not limited to behaviors which occur only on school grounds. This policy is premised on the notion that violence, threats of violence, intimidation, bullying and cyberbullying of one student by another may be detrimental to the best interest and welfare of students and disruptive of the opportunity for student learning in Madison City Schools without regard to the location where such behaviors occur. It is acknowledged that in some situations the nexus between the regulation of such unacceptable behaviors and Madison City Schools' interest in providing a safe environment for its students may be remote and thus not an appropriate basis for school disciplinary action. However, where the offending behavior causes a material and substantial disruption to school activities or undermines the ability of a student to learn in a non-hostile environment, students violating this policy may be subject to discipline regardless of where the offending conduct occurs.~~

**Commented [MM1]:** The law allows you to add characteristics to the list of personal characteristics found in the state's model policy. You previously added the highlighted characteristics. You need to decide if you want to keep them.

~~6.23.36.23.4~~ Consequences for Violations – A series of graduated consequences for any violation of this policy will be those outlined in the Code of Student Conduct or any rule or standard adopted under authority of this policy. ~~The first and second occurrence of behaviors which, if repeated or continuous would constitute a violation of the policy, may result in Class I or Class II consequences as outlined in Section 6.23.8 of this policy. Depending on the severity of the offense, a Class II or Class III consequence may be administered for the first violation of this policy.~~

~~6.23.46.23.5~~ Reporting, Investigation, and Complaint Resolution Procedures –

- a. Complaints alleging violations of this policy ~~must~~ may be made on a Board approved complaint form available in the handbook, on the website, or at the principal and/or counselor's school's office. ~~The complaint must be signed by the student alleging the violation or by the student's parent or legal guardian and~~ delivered to the principal or the principal's designee either by mail or personal delivery. ~~At the request of the complaining student or the student's parent or legal guardian, incidental~~ Incidental or minor violations of the policy may be presented and resolved informally.

The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee is authorized to inform the student's parent or guardian of the report unless at the discretion of the school principal or the principal's designee the apparent cause of the threat of suicide is child abuse or other significant harm from a parent or guardian.

- b. Upon receipt of the complaint, the principal or the principal's designee will, ~~in their sole discretion,~~ determine if the complaint alleges a serious violation of this policy. ~~If the principal or the principal's designee determines that the complaint alleges a serious violation, the principal or the principal's designee will undertake~~ a reasonably prompt investigation of the complaint. The investigation will entail the gathering of relevant facts and evidence ~~and will be conducted in a reasonably prompt time period~~ taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions ~~will~~ may be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the ~~violation~~ violations(s) may also be imposed by the principal or the school system. ~~The person reporting the violation may, upon request, be given an explanation of the outcome of the investigation and of any steps taken to prevent a recurrence of the violation, subject to any limitations on the disclosure thereof that may be imposed by law.~~

b.c. **OPTIONAL:** A person reporting a violation who is not satisfied with the outcome of the investigation may appeal the decision in writing to the ~~local Superintendent~~ or designee.

e.d. Acts of reprisal or retaliation against any student who has reported a violation of this policy or sought relief provided by this policy are prohibited, and are themselves a violation of this policy. ~~Any confirmed acts of reprisal or retaliation~~ will/may be subject to disciplinary sanctions that may include any sanction, penalty, or consequence that is available to school officials under the Code of Student Conduct. ~~A student who deliberately, recklessly, and falsely accuses another student of a violation of this policy~~ will/may be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

~~The complaint form developed to report violations of this policy will include a provision for reporting a threat of suicide by a student. If a threat of suicide is reported, the principal or the principal's designee will inform the student's parent or guardian of the report.~~

~~6.23.2 Suicide Prevention To the extent that the legislature appropriates funds or the Board provides funds from other sources, the Superintendent is authorized to develop a program to implement the following statutory requirements of the Jason Flatt Act in an effort to prevent student suicide:~~

- ~~a. Foster individual, family, and group counseling services related to suicide prevention.~~
- ~~b. Make referral, crisis intervention, and other related information available for students, parents, and school personnel.~~
- ~~c. Foster training for school personnel who are responsible for counseling and supervising students.~~
- ~~d. Increase student awareness of the relationship between drug and alcohol use and suicide.~~
- ~~e. Educate students in recognizing signs of suicidal tendencies and other facts and warning signs of suicide.~~
- ~~f. Inform students of available community suicide prevention services.~~
- ~~g. Promote cooperative efforts between school personnel and community suicide prevention program personnel.~~
- ~~h. Foster school-based or community-based, or both, alternative programs outside of the classroom.~~

- i. ~~Develop a strategy to assist survivors of attempted suicide, students, and school personnel in coping with the issues relating to attempted suicide, suicide, the death of a student, and healing.~~
- j. ~~Engage in any other program or activity which the Board determines is appropriate and prudent in the efforts of the school system to prevent student suicide.~~
- k. ~~Provide training for school employees and volunteers who have significant contact with students on the Board policies to prevent harassment, intimidation, and threats of violence.~~
- l. ~~Develop a process for discussing with students local board policies relating to the prevention of student suicide and to the prevention of harassment, intimidation, violence, and threats of violence.~~
- m. ~~Provide annual training for all certificated school employees in suicide awareness and prevention. This training may be provided within the framework of existing inservice training programs or as a part of required professional development offered by the school system.~~

~~Students may be required to participate in curricular activities developed to implement the statutory requirements of the Jason Flatt Act and are encouraged to participate in any other activities or strategies developed by the Board for that purpose.~~

~~6.23.56.23.6 Promulgation of Policy and Related Procedures, Rules, and Forms – This policy and any procedures, rules, and forms developed and approved to implement the policy will be published, disseminated, on the website of each local board of education and made school, shall be available to students, parents at each school office, and legal guardians, and employees by such means and methods as are customarily used for such purposes, including publication on the Madison City Schools’ website shall be included in the student handbook that is distributed to each student at the beginning of each school year.~~

~~6.23.3 Classification of Offenses and Disciplinary Actions – On May 7, 2009, the Alabama Legislature enacted Act Number 2009-571, the Student Harassment Prevention Act (the “Act”). The Act was signed by the Governor on May 20, 2009 and became effective on October 1, 2009. Section 9 of the Act requires all local boards of education to establish a policy in compliance with the Act on or before July 1, 2010. Section 5 of the Act requires the State Department of Education (“SDE”) to develop a model policy prohibiting harassment, violence and threats of violence on school property, on a school bus, or at any school-sponsored function.~~

~~On October 20, 2009, the SDE sent a model policy to all city and county school boards of education. Madison City Schools used that model policy for this Student Harassment Policy.~~

~~Conduct falling within the definitions contained in this policy will be a Class I - Minor Violation, Class II - Intermediate Violation, or a Class III - Major Violation. The principal shall determine the classification of violations on a case-by-case basis depending upon the extent to which conduct is repeated or continuous and the severity of the conduct. Discipline for those violations shall be in accordance with the disciplinary actions for Class I, Class II, and Class III violations as set forth in this policy and the Student Code of Conduct.~~

~~6-23-66.23.7~~ **OPTIONAL: Construction of Policy** — This policy is supplemental to other Board policies and procedures and does not repeal, replace, or supersede any other prohibition on ~~harassment~~bullying, violence, threats of violence or intimidation found elsewhere in Board policy or procedure, including the Code of Student Conduct. This policy shall not be construed to allow ~~harassment~~bullying, violence, threats of violence or intimidation for any reason not specifically listed in this policy or to prohibit the ~~school~~Board from disciplining students for acts of ~~harassment~~bullying, violence, threats of violence or intimidation not specifically listed herein. Students who engage in ~~harassment~~bullying, violence, threats of violence or intimidation not specifically covered by this policy may be subject to appropriate disciplinary action in accordance with the ~~standards and rules in the~~ Code of Student Conduct. ]

[Reference: Ala. Code §16-28B-1, *et seq.* (1975)]