

The Right of every Student to take “Reasonable Actions”

SB 2015 requires that discipline policies must recognize the fundamental right of every student to take “reasonable actions” as may be necessary to defend himself from an attack by another student who has evidenced menacing or threatening behavior to a teacher, principal, counselor or other school employee when subjected to bullying or harassing behavior.

Bullying/Harassment/Intimidation

The faculty and staff of Richton School District are committed to a safe educational environment for all students. Such an environment should be free from intentional acts of bullying, harassment, intimidation, or cyber stalking. **“Bullying, harassment, intimidation, or cyber stalking” means any intentional written, verbal, or physical act that meets any of the following criteria:**

- Physically harms or threatens harm against a student or that damages or threatens to damage the student’s property; or
- Has the effect of substantially interfering with a student’s education; or
- Is severe, persistent, or pervasive in that it creates an intimidating or threatening educational environment; or
- Has the effect of substantially disrupting the orderly operation of the school.

Bullying, harassment, or intimidation can take many forms including but not limited to: slurs, rumors, jokes, innuendos, demeaning comments, cartoons, pranks, gestures, physical attacks, threats, or other written communications, plus oral or physical actions against another person. “Written communications” may include all forms of text messaging and other forms of electronic communications and media considered cyber in nature.

“Intentional acts” refers to an individual’s unforced or willful choice to engage in the questioned act rather than the ultimate consequences of such action(s).

Counseling, appropriate discipline, and/or referral to local law enforcement will be used to change the behavior of the perpetrator and remediate the fault towards the victim. This may include various appropriate behavioral intervention(s), restoration of a positive learning environment, and support for those impacted by the acts of bullying, harassment, intimidation, or cyber stalking. False reports or retaliation for bullying, harassment, intimidation or cyber stalking may also constitute violations of this policy.

Within the category of harassment, sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when submission to or rejection of this conduct explicitly or implicitly affects a student’s right to learn or participate in a comfortable and supportive environment due to the creation of an intimidating or hostile learning environment.

Any student who feels that he/she has been a target of bullying, harassment, intimidation, or cyber stalking or any parent who feels his/her child has been a target of bullying, harassment, intimidation, or cyber stalking in school; on school property; or while participating in a school sanctioned activity should report the incident promptly, either verbally or in writing, to a school staff member, preferably the principal. All complaints will be investigated by the principal or his/her designee according to policy. Depending on the nature of the offense, disciplinary action ranging from counseling to suspension or expulsion to notification of local law enforcement may be taken consistent with school discipline policies.

Any allegation of bullying harassment, intimidation, or cyber stalking and the results of the investigation shall be kept confidential to the extent reasonably possible under the investigation process. Witnesses and those interviewed shall be informed of the confidential nature of the circumstances and the resulting investigation, and shall be informed that it will be a violation of this policy to disclose the allegation or the nature of the investigation to others. Disclosure may result in disciplinary action.

School officials recognize the 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 bullying, harassing, intimidating, or cyber stalking behaviors. The Richton School District defines "reasonable action" as promptly reporting the behavior to a teacher, principal, counselor, or other school employee when subjected to bullying, harassing, intimidating, or cyber stalking behaviors.

Ref: SB 2015; Miss. Code Ann. § 37-7-301(e), Miss. Code Ann. § 37-11-67,
Miss. Code Ann. § 37-11-69, Miss. Code Ann. § 97-45-15, Miss. Code Ann. § 97-45-17

STUDENT COMPLAINTS OF BULLYING OR HARASSING BEHAVIOR

Students in the Richton School District are protected from bullying, harassing, intimidating, or cyber stalking behavior by other students or employees. It is the intent of the Board and the administration to maintain an environment that is free from bullying, harassment, intimidation, and cyber stalking. The complaint procedure of the Richton School District provides a process for filing, processing, and resolving complaints of such conduct. Adherence to these procedures is mandatory. The failure of any person(s) to adhere to these stated procedures will constitute a waiver of the right to pursue a complaint at any level, including a review by the Board of Trustees of Richton School District.

1. Definitions -- Bullying, harassment, or intimidation is any pattern of gestures or written, electronic, or verbal communications, or 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 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 educational performance, opportunities, or benefits.

Cyber stalking is generically defined as any communication to another person repeatedly for the purpose of threatening, terrifying or harassing that person. Specifically, cyber stalking may be defined as any use in electronic mail or electronic communication of any word or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person. Electronic mail or communication to another that knowingly makes false statements concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct or the person electronically mailed or any member of that person's family or household with the intent to threaten, terrify, or harass is also considered cyber

stalking. Finally, cyber stalking may also be defined as knowingly permitting an electronic communication device under the accused person's control to be used to make threatening, terrifying, or harassing communications.

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

Bullying, harassing, intimidating, or cyber stalking 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 in the classroom a disruption to 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.

2. Procedures for Processing a Complaint -- Any student who feels he/she has been a victim of bullying or harassing behavior, or has witnessed, or who has reliable information that a student 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. 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 names of the victim of the misconduct, the names of any witnesses, 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. Parents 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.

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.

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.