

## STUDENT THREATS; BULLYING

Descriptor: JICK Issued: Draft 6-10-10

Rescinds: JICK Issued: 07/28/2009

1. The Board desires to reasonably and prudently protect against a substantial interference of (1) the orderly operation of the schools within the District, (2) the right to an education, and (3) a secure and safe environment. The Board recognizes that a threat by a student to harm self, others or property, creates a risk of injury or death to District employees, students, and visitors, and further creates a risk of damage to property of the District, employees, students, and visitors. ~~The Board hereby establishes this policy to address such risks.~~

2. Bullying, in its many forms, has become a growing problem among youth and can have a devastating effect on students. The District will not tolerate any gestures, comments, threats or actions which cause or threaten to cause bodily harm or personal degradation. No student or employee of the District shall be subject to bullying.

3. The Board recognizes the fundamental right of every student to take reasonable actions necessary to defend himself/herself from an attack by another student who has evidenced menacing or threatening behavior through bullying or harassing. Self-defense conduct should only be taken after the student has reported any such menacing or threatening behavior, bullying or harassing to the principal or other school official.

The Board authorizes the superintendent to create procedures consistent with this policy.

~~Further, it is unlawful to use any electronic means, email, instant messaging, cell phones, etc., to intimidate, threaten, bully or harass others. Students are subject to discipline for off-campus behavior if the student's conduct renders his/her presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and/or staff as a whole. Students in violation of this policy will be referred to law enforcement as well as be subject to school discipline.~~

### ADMINISTRATIVE PROCEDURE

#### 1. Definitions

1.1. "Bullying" includes any written, electronic or verbal communications, or any physical act or any threatening communication (including acts reasonably perceived as being motivated by any actual or perceived differentiating characteristic, such as race, color, religion, ancestry, national origin, gender, socioeconomic status, academic status, gender identity, physical appearance, sexual orientation, or mental, physical, developmental, or sensory disability, or by association with a person who has or is perceived to have one or more of these characteristics) 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 educational performance, opportunities or benefits.

1.2. "Cyber-bullying" is the use of cell phones, computers, or other electronic devices to humiliate, tease, intimidate, or harass someone, and possibly even threaten physical violence.

1.3. "Hostile environment" is created when 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.

1.4. "Retaliation" includes, but is not limited to any form of intimidation, reprisal or harassment made to a person who reports a violation of this policy, or assists or participates in the investigation relating to such a report.

## 2. Consequences of Making a Threat

2.1. Students who threaten to harm self, others or threaten to damage or destroy property will be subject to expulsion from ~~TPSD~~ the District for a term of not less than one year.

2.1. Students who threaten to harm self, others, or threaten to damage or destroy property must be examined by a licensed private psychologist or psychiatrist at the expense of the parent or guardian to determine appropriateness for either continued attendance or for readmission to the ~~TPSD~~ District.

2.3. The Board will not be obligated to rely solely on such evaluation.

2.4. The evaluation must include a statement of whether or not the student, in the opinion of the examiner, is a threat to self, to others, or to property.

2.5. The statement by the examiner also must include recommendations for a behavior plan and other pertinent educational recommendations.

## 3. Off-Campus Behavior

3.1. Students are subject to discipline for off-campus behavior if ~~the student's~~ such conduct renders his/her presence in the classroom a disruption to the educational environment of the school or a detriment to the best interest and welfare of ~~the~~ students and/or the staff as a whole.

3.2. Students are subject to discipline for off-campus behavior if ~~the~~ such conduct interferes with another person's right to an education or a to a secure and safe school environment.

## 4. Reporting

4.1. Any District employee or volunteer who observes or becomes aware of conduct that violates this policy shall promptly report it to the principal, or an appropriate District official.

4.2. Any student who believes she/he has been harassed, intimidated, threatened or bullied by another student shall promptly report such behavior to the principal or building administrator.

4.3 All District employees receiving such complaints shall make a detailed written report of the facts alleged, including date and time of complaint, date and specific nature of the misconduct, name(s) of (1) complainant; (2) all persons alleged to have violated this policy; (3) all witnesses or persons with relevant knowledge, etc.

4.4. No retaliation against victim. It is a separate violation of this policy to retaliate against any person who reports alleged harassment or against any person who testifies, assists or participates in an investigation, proceeding or hearing relating to such harassment

## 5. Investigation

5.1. All complaints shall be investigated promptly. Parents/guardians will be notified of the nature of any complaint involving their student.

5.1.1. Upon receiving information that a violation of this policy has occurred, the principal or appropriate District official shall 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.

5.1.2. The parties will have an opportunity to submit evidence and a list of witnesses.

5.1.3. All findings related to the complaint will be reduced to writing.

5.1.4. 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

5.2. When the complaint can be resolved informally, no disciplinary action will be taken.

5.3. If the victim is not satisfied with the decision of the District official, he/she may submit a written appeal to the superintendent.

5.3.1. Such appeal shall be filed within ten (10) working days after receipt of the results of the initial decision.

5.3.2. The superintendent will arrange such meetings with the victim and other affected parties as deemed necessary to discuss the appeal.

5.3.3. The superintendent shall provide a written decision to the victim's appeal within ten (10) working days.

## 6. Consequences

6.1. Any student that is found to have violated this policy shall be subject to discipline including, but not limited to, warning, remedial training, education or counseling, suspension, exclusion, expulsion, or transfer.

6.2. If the conduct complained of amounts to a reportable offense, the principal and superintendent shall notify the district attorney of such accusation, provided that such accusation is reported to the principal

and to the school superintendent and that there is a reasonable basis to believe that such accusation may be true.

**EXHIBITS**

None

**REFERENCES**

MCA §§ 37-11-20; 37-11-21; 37-11-23; 97-1-6; 97-29-45; 97-29-63; 97-45-15; 97-45-17;

SB 2015 (2010)

**FORMS**

None

*TUPELO BOARD OF TRUSTEES*