

# BULLYING/ANTI-HARASSMENT

The state of Mississippi has established legislation requiring Bullying Prevention to be taught in schools.

## Executive Summary

The purpose of this policy is to assist the Mississippi Special State Schools in preventing and responding to acts of bullying, harassment, intimidation, violence, and other similar disruptive behavior. The Mississippi Special State Schools strive to maintain a safe and civil learning environment for students to attain high academic and artistic achievement and to promote healthy human relationships. As residential schools, it is imperative to do everything possible to prevent bullying and harassment and take action to investigate, respond, remediate, and discipline those acts of bullying which have not been successfully prevented.

## Policy

Definition: 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 takes place on school property, at any school-sponsored function, or on a school bus. BULLYING includes, but is not limited to conduct by a student/employee/parent/ other person against a Special State School student that one can reasonably believe has the effect of:

- <sup>35</sup><sub>17</sub> harming a student
- <sup>35</sup><sub>17</sub> damaging a student's property
- <sup>35</sup><sub>17</sub> placing a student in actual and reasonable fear of harm to his or her person or property
- <sup>35</sup><sub>17</sub> creating a hostile environment\* for a student

\*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.

An act of bullying or harassing, by an individual student, a group of students, parents, employee or other person is expressly prohibited on school property, online, at school-related functions, or on a school bus.

This policy applies not only to those directly engaged in an act of bullying but also to anyone who, by indirect behavior, condones or supports an act of bullying. A student does, however, have a fundamental right 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 harassment pursuant to Miss. Code Ann. § 37-11-69.

No employee of the Special State School shall permit, condone, or tolerate bullying. Retaliation against a victim, good faith reporter, or a witness of bullying is prohibited. False accusations or reports of bullying are prohibited.

Reporting: Any person who believes he or she has been the victim of bullying or anyone with knowledge that a student or school employee has been subjected to bullying or harassing behavior shall report the alleged acts immediately to an appropriate school official. A student may report bullying anonymously, however, the school district's ability to take action based solely on an anonymous report may be limited.

All Special State School employees shall be alert to possible situations, circumstances, or events that might include bullying. Reports of bullying are classified as private educational and/or personnel data and/or confidential investigative data and will not be disclosed except as permitted by law.

Submission of a good faith complaint or report of bullying will not affect the complainant's or reporter's future employment, grades, or work assignments, or educational or work environment.

The Special State Schools will annually provide education and information to students regarding bullying or harassing, including this policy, the harmful effects of bullying, and other applicable initiatives to prevent bullying.

Action: Upon receipt of a complaint or report of bullying, Special State School officials or a designated third party will act to investigate all complaints of bullying within 24 hours of the report and will discipline or take appropriate action against anyone who is found to have violated this policy.

Investigation and action taken will be consistent with the school's policy on harassment, violence, or other action causing harm to another.

Consequences for students may include suspension and/or dismissal.

Consequences for employees who permit, condone, or tolerate bullying or intentional false reporting of bullying may result in disciplinary action up to termination or discharge.

Consequences for other individuals engaging in prohibited acts of bullying may include, but not be limited to, exclusion from school district property and events.

## **Reporting Harassment**

Any school employee or student who observes, overhears, or otherwise witnesses harassment is encouraged to take appropriate action to report the incident immediately. In the event the school employee or student is unable to personally take prompt action, he or she is encouraged to report the incident or complaint in writing to an administrator.

An individual who alleges any form of harassment by a staff member, student, or other person may complain directly to a teacher, staff member, or administrator. An official complaint must be written and signed. Filing of a complaint or reporting harassment in any manner will not affect an individual's status, future employment, work assignments, or grades.

Under certain circumstances, sexual harassment behaviors (e.g., sexual touching, grabbing, pinching, being forced to kiss, being forced to commit acts against one's wishes) may constitute physical or sexual abuse. When educators become aware of suspected abuse, a report of the incident must be made to the Mississippi Department of Human Services and law enforcement. Such acts constitute violations of Mississippi criminal law resulting in law enforcement investigations and possible criminal charges.

## **Retaliation to Harassment**

Members of the school community may not retaliate against any person who reports alleged harassment or any person who testifies, assists, or participates in the investigation, proceedings, or hearing related to such

harassment. Retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment and may be redressed through the same process for reporting, investigating, and enforcing procedures for harassment.

Any person who knowingly files a false claim or report may be subject to the same actions that MSB might take against any other individual violating this harassment policy.

The right to confidentiality, both of the complainant and the accused, will be respected consistent with the legal obligation of the school and the necessity to investigate allegations of misconduct and to take corrective actions when such conduct occurs.

## **Reporting Sexual Harassment**

It is the policy of the Mississippi School for the Blind to maintain an environment that is free from sexual harassment.

No student shall harass other students, employees, or other persons on campus or during any school function off campus through sexual conduct or communications. (The term “employee” also includes non-employees and volunteers who work under the control of school employees.)

If you should become a victim of sexual harassment or discrimination please report the incident to your principal or dormitory director.

ALL complaints of sexual harassment, sexual discrimination or sexual misconduct will be investigated with the assistance of Human Resources and the MDE Legal Department.

## **False Reporting of Sexual Harassment**

A student who gives a false report that a staff member or another student has sexually harassed a student or has knowingly given false information, will be considered to have engaged in student misconduct and will be subject to disciplinary action.

## **Right to Express Concerns, Complaints or Grievances**

Students with complaints and grievances should follow this procedure. First, they should discuss their problem or concern with their counselor, teacher(s) and/or residential advisors. If their concern or problem is not resolved, students should then bring it to the attention of the principal, dorm director or superintendent who will then initiate an investigation. As this is an administrative investigation, students may be interviewed without parental permission. Families of alleged victims and perpetrators must be notified.

The individual conducting the interview should write up the interview(s). Interviews should answer who, what, how, when, where, why. There can only be two results from the investigation: the allegation is substantiated, or the allegation is unsubstantiated.

## **Definitions**

**School Community:** includes, but is not limited to, all students, parents, school and state employees, contractors, volunteers, committee members, and other visitors.

**School Employee:** includes, but is not limited to, all administrators, teachers, staff, bus drivers, custodians, cafeteria workers, and agents of the school.

**Harassment:** verbal or physical conduct based on an individual's actual or perceived race, religion, color, national origin, gender, age, or disability that affects or interferes with a student's educational performance or creates a hostile, offensive, or intimidating environment. Harassment may include any form of unwelcome and unwanted verbal, physical, or written conduct that offends, degrades, or belittles an individual. Such conduct includes, but is not limited to, unsolicited derogatory remarks, jokes, demeaning comments, offensive behavior, slurs, mimicking, name calling, graffiti, innuendo, gestures, physical contact, stalking, threatening, bullying, extorting, or the display or circulation of written materials or pictures.

**Sexual Harassment:** may include, but is not limited to, sexually oriented verbal teasing, abuse or harassment, pressure for sexual activity, repeated remarks to a person with sexual or demeaning implications, unwelcome and unwanted touching such as pinching, patting, or constant brushing against another's body, suggesting or demanding sexual involvement accompanied by implied or explicit threats concerning one's grades, or other personal concerns or filing a false complaint of sexual harassment. These stipulations apply whether the harassment is between people of the same or of a different gender.

**Peer Harassment:** includes, but is not limited to, unwelcome and unwanted attention from peers or other individuals and includes such actions as name calling, threatening gestures, unwanted physical contact, vandalism of personal property, and filing a false complaint.

**Racial and Color Harassment:** includes, but is not limited to, unwelcome and unwanted verbal, written, or physical conduct directed at the characteristics of an individual's race or color. Nicknames, emphasizing stereotypes, racial slurs, comments on one's manner of speaking, and negative references to racial customs are examples of racial or color harassment.

**Religious Creed Harassment:** includes, but is not limited to, unwelcome and unwanted verbal, written, or physical conduct directed at an individual's religion or creed such as derogatory comments regarding surnames, religious clothing, religious slurs, or graffiti.

**National Origin Harassment:** includes, but is not limited to, unwelcome and unwanted verbal, written, or physical conduct directed at the characteristics of an individual's national origin such as negative comments regarding surnames, manner of speaking, customs, language, or ethnic slurs.

**Disability Harassment:** includes, but is not limited to, unwelcome and unwanted verbal, written, or physical conduct directed at a person's disabling mental or physical condition such as manner of speech or movement or interference with an individual's equipment.

### **Consequences to Violation of Harassment Policies**

Any school employee or student found to have violated this policy may be subject to action including, but not limited to, warning, remedial training, education or counseling, suspension, expulsion, termination, or discharge from duties.

## **SECRET SOCIETIES/GANG ACTIVITY**

It is unlawful in the State of Mississippi to organize fraternities, sororities, or secret societies in the public high schools, for a public school student to be a member of such organizations, and to solicit student membership in such organizations. Students in violation of this policy are subject to suspension or expulsion.

The Mississippi School for the Blind is committed to maintaining a safe school environment for its students and staff. Students are expected to adhere to the school standards of conduct that promote well-being and supports the learning process. Gang activity will not be tolerated in any form. Where gang activity is suspected or confirmed a complaint will be filed in accordance with the "Mississippi Street Gang Act" pursuant to Miss. Code Ann. § 97-44-1et seq.

Gang activity, which initiates, promotes, or advocates activities that threaten the safety or well being of persons or property on school grounds or which disrupts the school environment are harmful to the educational process. The use of hand signals, graffiti, or the presence of apparel, jewelry, accessory, or manner of grooming which, by virtue of color, arrangement, trademark, symbol, or any other attribute which implies membership or affiliation with such a group, presents a clear and present danger and is to be discouraged by school officials. Students displaying interest, involvement, or affiliation with a gang shall be subject to disciplinary action and will be encouraged to seek involvement in authorized school organizations to enhance self-esteem and promote activity that can have a positive impact on the student.