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## **Jamari Terrell Williams Student Bullying Prevention Act Policy**

The Jamari Terrell Williams Student Bullying Prevention Act has been signed into law by Governor Kay Ivey; it became effective on June 1, 2018. This new Act replaces the Anti-Harassment Policy that had previously been adopted by school systems throughout the state of Alabama beginning with the 2010-11 school year.

The major change in this new Act is that it expands the current law to include student against student bullying, intimidation, violence, and threats of violence that occur off school property. In addition, the new Act specifically includes cyberbullying, which may also occur off school property.

### **Section 1: Bullying, Intimidation, Violence, and Threats of Violence Prohibited**

The Marshall County School System is committed to providing a safe and supportive learning environment in which all members of the school community are treated with respect. Bullying, violence, and threats of violence, and intimidation are prohibited and constitute unacceptable behavior that will not be tolerated.

No student shall engage in nor should any be subjected to bullying, violence, threats of violence or intimidation by any other student that is based on any of the specific characteristics set forth in this policy. Students who violate this policy will be subject to appropriate disciplinary sanctions as specified in the Student Code of Conduct, subject to the investigating school administrator's authority and decision.

### **Section 2: Definitions**

In this policy, these terms shall have the following meanings:

- A. *Bullying* means a continuous pattern of intentional behavior 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 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 contained in this policy. To constitute 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.
- Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment for a student.

B. *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.

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.

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. *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.

F. *Intimidation* means an unjustified threat or other action that is intended to cause fear or apprehension in a student.

G. *Student* as used in this policy means a person who is enrolled in the Marshall County Public County School System.

### **Section 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 bullying, 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.

B. Bullying, intimidation, violence, or threats of violence are prohibited and will be subject to appropriate disciplinary consequences and/or sanctions 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 student:

- race
- sex
- religion
- national origin
- disability
- marital status
- sexual orientation
- gender identity

#### **Section 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.

#### **Section 5: Reporting, Investigation, and Complaint Resolution Procedures**

A. Complaints alleging violations of this policy may be made on a Board-approved complaint form available in the handbook, on the website, or at the school's office. The complaint must be delivered to the principal or the principal's designee either by mail or personal delivery. 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 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 taking into account the circumstances of the complaint. If the investigation establishes a violation, appropriate disciplinary sanctions may be imposed on the offending student(s). Other measures that are reasonably calculated to prevent a recurrence of the violations(s) may also be imposed by the principal or the school system.

C. 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 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 may be subject to disciplinary sanctions as outlined in the Code of Student Conduct.

## **Section 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 on the website of each local board of education and school, shall be available at each school office, and shall be included in the student handbook.

Board Approved July 11, 2019