

PROCEDURES FOR STUDENT COMPLAINTS OF BULLYING OR HARASSING BEHAVIOR

Students and employees in the Jackson Public School District are protected from bullying or harassing behavior by other students or employees. It is the intent of the Board and the administration to maintain an environment free from bullying and harassing behavior that includes, but is not limited to, bullying or harassing behavior that is based on race, religion, sex, creed or color, national origin, physical appearance, gender identity, ancestry, academic status, behavior, sexual orientation, 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, or other actual or perceived differentiating characteristics. These complaint procedures provide a process for filing, processing and resolving complaints of such conduct. Adherence to these procedures is mandatory. The failure of any person to follow these procedures will constitute a waiver of the right to pursue a complaint at any level, including review by the Board.

I. Definitions

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 (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. A "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.

Bullying or harassing 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.

II. Requirements for Processing Complaints

1. Since it is important that complaints be filed and processed as rapidly as possible, the number of days indicated at each step is considered as maximum and every effort will be made to expedite the process. At any step in the complaint procedure, the time limits may be extended when necessary.

2. References to days are working days and do not include holidays and/or weekends.
3. The failure of a complainant to proceed from one step of the procedure to the next within the set time limits shall be deemed to be acceptance of the decision previously rendered and shall eliminate any future review concerning that particular complaint.
4. The failure of the reviewing officers to communicate their decision to the complainant within the time limits shall permit the complainant to proceed to the next step.
5. A complainant may withdraw his/her complaint at any step without prejudice.
6. No reprisal shall be invoked against any student for filing a complaint or for participating in any way in this procedure.

III. Procedures for Processing a Complaint

Step One:

Any student who feels he/she has been a victim of bullying or harassing behavior, has witnessed, or has reliable information that a student, school employee or volunteer has been subject to bullying or harassing behavior is strongly encouraged to report such conduct to a teacher, principal, counselor or other school official. The report shall be made promptly but no later than five (5) working days after the alleged act or acts occurred. The school official shall complete an "Allegation of Bullying Complaint" form which shall include the name of the reporting person, the specific nature and date of the misconduct, the names of the victims 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 student's principal who shall institute an immediate investigation. Complaints against the principal shall be made to the appropriate Chief Academic Officer and complaints against the superintendent shall be made to the Board president. Complaints against a board member shall be made directly to the district counsel, who will appoint an independent investigator to conduct the investigation and complete a report with recommendations to the school board for their consideration and final decision.

The complaint shall be investigated promptly. Parents will be notified of the nature of any complaint involving their child. The investigating staff member 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 investigating staff member conducting the investigation shall notify the victim and parents as appropriate when the investigation is completed and, subject to federal law governing privacy of students' educational records, a decision regarding disciplinary action, if any. In the event that the investigating staff member is unable to substantiate the bullying or harassment allegation, the inability to

substantiate shall be indicated in writing and maintained in the complaint file of the alleged victim and alleged perpetrator.

Once the incident is determined to be a bullying incident and investigation is completed, appropriate disciplinary response and follow up services for both the targeted student(s) and perpetrator(s) are determined. The nature of the incident, disciplinary response and proposed follow up services are to be communicated to the parent/guardian of targeted student(s) and perpetrator(s) as allowed by law and District policy, no later than 10 school days from the initiation of the investigation.

The Superintendent or designee will receive quarterly reports from each school of all bullying incidents reported by type, location, and consequences.

Step Two:

If the victim is not satisfied with the decision of the investigating staff member, 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.

Step Three:

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.

SOURCE: Mississippi School Boards Association

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AMENDED: August 4, 2016

LEGAL REF.: Senate Bill 2015; Miss. Code Ann. §§37-7-301(e); 37-11-20;
37-11-67; 37-11-69