

HARASSMENT, VIOLENCE, THREATS OF VIOLENCE, AND INTIMIDATION

Passed by the state of Alabama Legislature, House bill 216 became effective July 1, 2010. As a result, public school districts in Alabama are now required to establish school board policy to address and prevent harassment, violence, threats to do violence, and intimidation in the school environment.

The Bessemer City Board of Education adopted its own anti-harassment policy which strictly prohibits this behavior. Harassment is defined as a continuous pattern of intentional behavior, and includes (but is not limited to) written, electronic, verbal or physical acts that are reasonably perceived to be threatening by the student victims.

Jamari Terrell Williams Student Bullying Prevention Policy

Section 1: Bullying, Intimidation, Violence, and Threats of Violence Prohibited.

No student shall engage in nor 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 *Parent-Student Handbook*, 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 **Bessemer City 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 *Parent-Student Handbook*. 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 student-perpetrator of such action is found to have based the prohibited action on one or more of the following personal characteristics of another student:

- ***Race***
- ***Sex***
- ***Religion***
- ***National origin***
- ***Disability***
- ***Gender Identity***
- ***Sexual orientation***
- ***Marital Status***

Section 4: Consequences for Violations

A series of graduated consequences for any violation of this policy will be those outlined in the *Parent-Student Handbook* or any rule or standard adopted under authority of this policy by the Board.

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 arising from the complaining student's 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 via the Superintendent and Board.

(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 *Parent-Student Handbook*. 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 *Parent-Student Handbook*.

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, in paper form, at each school office and the Board's Central Office, and shall be included in the student handbook that is distributed to each student at the beginning of each school year.

Common Forms of Bullying [Please note that this is not intended to constitute an exhaustive list]

Verbal Bullying

- Teasing
- Name-calling
- Inappropriate sexual comments
- Taunting
- Threatening to cause harm
- Other pervasive, ongoing pattern intended to intimidate, harass or shame a student

Social Bullying

- Exclusion – intentionally excluding a student
- Telling other students not to be friends with someone
- Spreading rumors about someone
- Embarrassing someone in public
- Other pervasive, ongoing pattern intended to intimidate, harass or shame a student

Physical Bullying – The victim’s personal boundaries are violated.

- Hitting/kicking/pinching
- Spitting
- Tripping/pushing
- Taking or breaking someone’s things
- Making mean or rude hand gestures
- Other pervasive, ongoing pattern intended to intimidate, harass or shame a student

Cyberbullying

- Intimidating text messages or e-mails
- Rumors by email or social networking sites
- Embarrassing pictures and videos
- Trolling/Posting unacceptable comments intended to insult or embarrass a student
- Sending inappropriate or threatening comments and/or images through social media, multimedia messaging services/apps, or other internet forums
- Other pervasive, ongoing pattern intended to intimidate, harass or shame a student

Helpful resources: “Best Practices in Bullying Prevention,” found at <http://stopbullyingnow.hrsa.gov>.

**Bessemer City School System
Bullying Complaint Form**

School System: Bessemer City Schools

School's Name: _____

Student's Name: _____

ID#: _____ Student's Age: _____

Student's Race: _____ Student's Grade: _____

| INFRACTION REPORTED BY: ___ STUDENT ___ PARENT/GUARDIAN | | | |
|--|--|-------------|--|
| <i>Date of Incident</i> | | <i>Time</i> | |
| <i>Specific Location of the Incident</i> | | | |
| DESCRIPTION OF INCIDENT: (PLEASE BE VERY SPECIFIC WITH THE DETAILS) | | | |
| | | | |
| OTHER INFORMATION/WITNESSES/ADMINISTRATOR OR STAFF MEMBER THIS INCIDENT WAS REPORTED TO, ETC. | | | |
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The *Jamari Terrell Williams Student Bullying Prevention Act*, No. 2018-472, defines bullying as a continuous pattern of intentional behavior that takes place on school property, on a school bus, or at a school-sponsored function including, but not limited to, cyberbullying or written, electronic, verbal, or physical acts 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 the policy adopted by the local board. To constitute bullying, a pattern of behavior may do any of the following:

- a. Place a student in reasonable fear of harm to his or her person or damage to his or her property.
- b. Have the effect of substantially interfering with the educational performance, opportunities, or benefits of a student.
- c. Have the effect of substantially disrupting or interfering with the orderly operation of the school.
- d. Have the effect of creating a hostile environment in the school, on school property, on a school bus, or at a school-sponsored function.
- e. Have the effect of being sufficiently severe, persistent, or pervasive enough to create an intimidating, threatening, or abusive educational environment or a student.

Student: _____ Date: _____

Or

Parent/Guardian: _____ Date: _____

(Please note that the submission of a complaint does not automatically substantiate that misconduct has occurred. The school administration has the prerogative to investigate any allegations of wrongdoing.)

STATUTORY AUTHORITY:

CODE OF ALABAMA
§ 16-1-30

LAW(S) IMPLEMENTED:
(THE STUDENT HARASSMENT PREVENTION ACT)

CODE OF ALABAMA
§ 16-28B-1, et seq

HISTORY:

REVISED: April 8, 2019

ADOPTED: May 14, 2019

REVISED: May 10, 2019

In an effort to minimize this type of behavior in the school environment, the Bessemer City Board of Education has created a process whereby a student, or the student's parent or legal guardian, may report instances of harassment to the school administrator for further review and investigation. The reporting form is available through the school district's website. When incidents of harassment are investigated and confirmed, the school administrator will apply appropriate disciplinary consequences.