

Mississippi School of the Arts

Anti-Bullying and Harassment Policy

Adopted by the State Board of Education May 2018

MSA Student Handbook 2018-19, p. 45-46

The Mississippi School for the Arts prohibits bullying or harassing behavior of students, school employees, or volunteers. The Mississippi School for the Arts will make every reasonable effort to ensure that no person or school employee is subjected to bullying or harassing behavior by other students or other school employees.

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 education, including but not limited to 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.

The above conduct constitutes bullying if that conduct interferes with a student's education or substantially disrupts the operation of a school.

Cyberbullying is a form of bullying and/or harassment that occurs through electronic communications and/or devices. Cyberbullying can occur in many different forms such as messaging, posting, cyberstalking, and impersonation. Cyberbullying includes, but is not limited to:

- Messages in any form which may include but are not limited to: text, image, audio, or video that defames, intimidates, harasses, or is otherwise intended to harm, insult, or humiliate another in a deliberate, repeated, or hostile and unwanted manner.
- Any electronic communication which disrupts or prevents a safe and positive educational environment may also be considered cyberbullying.

Reporting procedures and prohibitions against bullying and/or harassment also apply to cyberbullying.

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 Executive Director or principal, renders the offending person's presence a disruption to the operation of 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.

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No student or school employee shall be subjected to bullying or harassing behavior by school employees or students. The Mississippi School for the Arts encourages anyone who has witnessed or has reliable information that a student or school employee has been subject to any act of bullying or harassing behavior to report the incident to the appropriate school official. Retaliation or reprisal against any person, including a victim, a witness, or another person, who in good faith provides information concerning an incident of bullying or harassing behavior, is prohibited.

The Mississippi School for the Arts recognizes the fundamental right of every student 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 harassing. “Reasonable action” includes, but is not limited to, promptly reporting the bullying or harassing behavior to a teacher, principal, counselor, or other school employee.

Procedures for Reporting a Complaint

Any student, school employee, or volunteer who feels he/she has been a victim of bullying or harassing behavior, has witnessed or who has reliable information that a student, school employee, or volunteer has been subject to bullying or harassing behavior shall report such conduct to a staff member, who will refer to the appropriate school official. The report shall be made promptly, but no later than five (5) calendar days after the alleged act or acts occurred.

The school official shall complete a “Bullying/Harassing Behavior” complaint form which shall include the name of the reporting person, the specific nature and date of the misconduct, the name(s) of the victim(s) of the misconduct, the name(s) of any witness(es) and any other information that would assist in the investigation of the complaint. The report shall be given promptly to the Principal or Executive Director who shall institute an immediate investigation. Complaints against the Principal shall be made to the Executive Director, and complaints against the Executive Director shall be made to the Mississippi Department of Education Human Resources Director.

The complaint shall be investigated promptly. Parents or guardians will be notified of the nature of any complaint involving their student. The Principal or Executive Director will provide notice of an incident of bullying to a parent or guardian of the victim and a parent or guardian of the bully within a reasonable amount of time after the incident.

The Principal or designee will arrange such meetings as may be necessary with all concerned parties within five (5) working days after initial receipt of the complaint. 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 Principal or designee 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.

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If the victim is not satisfied with the decision of the District official, he/she may submit a written appeal to the Executive Director. Such appeal shall be filed within ten (10) working days after receipt of the results of the initial decision. The Executive Director will arrange such meetings with the victim and other affected parties as deemed necessary to discuss the appeal. The Executive Director shall provide a written decision to the victim's appeal within ten (10) working days.

If the victim is not satisfied with the decision of the Executive Director, a written appeal may be filed with the Mississippi Department of Education State Board of Education. Such appeal shall be filed within ten (10) working days after receipt of the decision of the Executive Director. The MDE State Board of Education 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 Executive Director. The State Board of Education shall provide a written decision within ten (10) working days following the victim's appearance before the Board.

If, after an investigation, a student is found to be a victim of bullying, such student shall not face disciplinary action on the basis of that student's use of "reasonable self-defense was in response to the bullying." If the victim of bullying is a student with disabilities, disciplinary action for the offender shall comply with the requirements of federal law including the Individuals with Disabilities Education Act (20 USCS Section 1400 et seq.)

Students may speak with the Guidance Counselor, Principal, or Director of Residence Life regarding issues with bullying and harassment. An appointment can be made by email, phone or visiting the office as a walk-in. Support may be provided by the school district through the assistance of the any of the following agencies: • Mississippi Department of Education • Mississippi Department of Health • Mississippi Department of Human Services - Juvenile Services Department • Community/Family Public or private community-based mental health services • Faith-based services • Law enforcement agencies