

**STUDENT HARASSMENT AND BULLYING POLICY**  
**Sexual Harassment (Title IX)**  
**J-49**

**I. Harassment Prohibited**

It is the policy of Mountain Brook City Schools that harassment, bullying, intimidation, violence, and threats of violence will not be tolerated under any circumstances. Harassment and violent incidents will be responded to in a manner consistent with the district Code of Conduct, subject to the school administrator's authority and decision. If appropriate, the circumstances constituting the violation may be reported to law enforcement agencies or child welfare agencies for further investigation and action.

**II. Definitions**

Terms shall be defined as:

- A. Bullying means a continuous pattern of intentional, unwelcome behavior on or off school property, at any school-sponsored function, or on a school bus, including, but not limited to, cyberbullying or written, electronic, verbal, or physical actions that are reasonably perceived as being motivated by a specific characteristic of a student. To constitute bullying, a pattern of behavior may:
- (a) Place a student in reasonable fear of harm of themselves or their property
  - (b) Substantially interfere with the educational performance or opportunities of a student
  - (c) Substantially disrupt or interfere with the orderly operation of the school
  - (d) Create a hostile environment in the school, on school property, on a 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 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, assault, or threat of 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 intention to inflict pain, injury, damage, or other hostile action to cause fear of harm. The intention may be communicated through 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.
- E. "Threat of violence" means an unjustified threat or other action that is intended to cause fear or apprehension in a student.
- F. "Intimidation" means an unjustified threat or other action that is intended to cause fear or apprehension in a student.
- G. "Sexual harassment" is defined as unwelcome sexual advances, requests for sexual favors, other physical or verbal conduct of a sexual nature, and any other gender-based harassment, whether initiated by students, school employees, or third parties, when:

(a) Submission to such conduct is made explicitly or implicitly a term or condition of the student's education, including any aspect of the student's participation in school-sponsored activities, or any other aspect of the student's education;

(b) Submission to, or rejection of, such conduct is used as the basis for decisions affecting the student's academic performance, participation in school-sponsored activities, or any other aspect of the student' education; or

(c) Such conduct has the purpose or effect of unreasonably interfering with the student's academic performance or participation in school-sponsored activities, or creating an intimidating, hostile, or offensive education environment. Harassment based upon sex includes gender-based harassment based on sex-stereotyping.

### **III. Personal Characteristics**

Harassment, intimidation, bullying, violence or threats of violence refer to a continuous pattern of intentional, unwelcome behavior related to, but not limited to, gender, race, religion, ethnic group, national origin, disability, and/or sexual orientation.

### **IV. Consequences for Violations**

A series of graduated consequences for any violation of this policy will be outlined in the district Code of Conduct.

## **V. Reporting, Investigation, and Complaint Resolutions**

Complaints involving violations of this policy may be made on the Bullying, Harassment, and Threat of Violence Form complaint form (C-2-19) found in the Code of Conduct, school and district website, or school office. The form should be delivered to the school administration. Incidental or minor violations of the policy may be presented and resolved informally. Complaints may also be reported verbally to the school or district administration.

Any report involving a threat of suicide will be reported to the student's parent or guardian, unless at the discretion of the school principal, the cause of the threat of suicide involves abuse or significant harm from a parent or guardian.

Any sexual harassment complaint should be filed with the school principal or Director of Student Services, who will then notify the Title IX coordinator. Upon making a sexual harassment complaint, a student shall not be required to present the matter for investigation or resolution to the person who is alleged to have committed the harassment.

Upon receipt of the complaint, the principal or designee will determine if the complaint alleges a serious violation of the policy. If so, the principal or designee will undertake a reasonably prompt investigation to be completed within 60 days. If the investigation establishes a violation, appropriate discipline may be imposed. Other reasonably calculated measures may be imposed to prevent a recurrence of the violation as determined by the principal or designee.

Acts or reprisal and retaliation against any student who has reported a violation of this policy are prohibited and are themselves a violation of this policy. Confirmed acts of reprisal or retaliation may be subject to disciplinary measures. A student who deliberately and falsely accuses another individual of a violation of this policy may also be subject to disciplinary sanctions.

The complainant and subject of a formal complaint will receive written notification of the outcome of the investigation including the right to object and appeal for reconsideration. A complaining party who is not satisfied with the investigation or resolution of the complaint may request that the Superintendent take additional or different action.

If resolution is not reached, the complainant and subject of a formal complaint may request that the matter be made subject to a Board hearing. In such case, the Board will render a final decision as soon as practicable.

## **VI. Title IX**

The Board, in accordance with Title IX (20 U.S.C. §1681, et seq.), strictly prohibits discrimination on the basis of sex or gender in its programs or activities. The prohibition includes sexual harassment, harassment based on sex, and sexual assault, as defined by law and Board policy. Sexual harassment and sexual assault complaints should be filed and reviewed under the Board's sexual harassment policies. All other complaints under Title IX will be filed and reviewed according to the Board's general complaint and grievance procedures

*Title IX Coordinator* – The Superintendent is authorized and directed to designate a Title IX Coordinator, whose duties will include but not be limited to receiving and responding to Title IX inquiries and complaints.

## **VII. Confidentiality**

To the maximum extent possible, the Board will keep the complaint and investigation confidential. Complete confidentiality cannot be guaranteed.

Revised: June 16, 2008

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